

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY

Alek Schott v. Bexar County, Texas
Case No. 5:23-cv-00706-OLG-RBF

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ALEK SCHOTT,
Plaintiff,

§

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§

§

VS.

§

§

JOEL BABB, in his individual § CIVIL ACTION NO.
and official capacity; § 5:23-cv-00706-OLG-RBF
MARTIN A. MOLINA III, in his §
individual and official §
capacity; JAVIER SALAZAR, in §
his individual and official §
capacity; and BEXAR COUNTY, §
TEXAS, §
Defendants. §

ORAL DEPOSITION OF
JOE GEREB
FEBRUARY 27, 2024

ORAL DEPOSITION of JOE GEREB, produced as a
witness at the instance of the Plaintiff(s), and duly
sworn, was taken in the above-styled and numbered cause
on February 27, 2024, from 9:29 a.m. to 4:50 p.m., before
Molly Carter, Certified Shorthand Reporter in and for the
State of Texas, reported by machine shorthand, at the Law
Offices of Charles S. Frigerio, 111 Soledad, Suite 465,
San Antonio, Texas, pursuant to the Federal Rules of
Civil Procedure.

A P P E A R A N C E S

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1 JOE GEREB,
2 having been first duly sworn, testified as follows:

3 E X A M I N A T I O N

4 BY MS. HEBERT:

5 Q Good morning.

6 A Good morning.

7 Q Deputy Gereb -- am I saying your last name
8 correctly?

9 A Yes.

10 Q Because, you know, sometimes it's Gereb or
11 things like that.

12 A It's -- I've heard a lot.

13 Q Okay. Gereb. I'm Christie Hebert. We just
14 met previously. I represent the Plaintiff Alek Schott in
15 this case that we are here today. These are my
16 colleagues you just met, Josh Windham and Daniel Nelson.

17 And today we're joined by the court reporter,
18 Molly. And she's going to try to write down everything
19 that we say today.

20 We also have your Counsel, Charles Frigerio.

21 MS. HEBERT: Charles, am I saying your name
22 correctly?

23 MR. FRIGERIO: Yes.

24 MS. HEBERT: And Hector -- Hector, I'm sorry --

25 MR. SAENZ: Saenz.

1 Q (By Ms. Hebert) -- Saenz, who are here with us
2 today.

3 We're going to kind of waive the usual
4 stipulations. We just talked to Molly about that. So
5 any defects in the deposition notice, you're here today.
6 And you're waiving any objections to Molly's
7 qualifications. She's a good court reporter. She's
8 here, she's going to take the record down.

9 So we'll kind of get started with some
10 preliminaries. What is your full name?

11 A Joe Albert Gereb.

12 Q Joe Albert. Not Joseph?

13 A No.

14 Q Okay. And would you mind confirming your rank
15 for me today? I want to make sure that I address you
16 respectfully and correctly.

17 A Just deputy.

18 Q Deputy?

19 A That's it.

20 Q And before we go on into the deposition, I want
21 to go over just like a couple of housekeeping matters.
22 Have you ever been deposed before?

23 A No.

24 Q Okay. So this is your first deposition?

25 A I'm sorry, I want to correct myself. I've gone

1 through traffic ones for crashes.

2 Q Okay. So you've done a deposition before.

3 A Yes. Yes. I'm sorry. It took me a second
4 to --

5 Q No, no, it's fine. So you've testified under
6 oath. You kind of know the general process. Is that
7 fair?

8 A Just show up, answer questions, that's it.
9 Yeah.

10 Q Okay, cool. And you understand that Molly just
11 put you under oath today.

12 A Yes.

13 Q And you understand that that means that you're
14 testifying here in this conference room the same as if
15 you were testifying before a judge in a courtroom?

16 A Yes, ma'am.

17 Q Okay. And it's important today that Molly is
18 able to capture a clear record. And so that means we
19 need to have clear kind of conversations between each
20 other. And that means giving verbal answers. No
21 "huh-uh" or "uh-huh." We need a "yes" or a "no." And
22 shaking your head obviously is not going to show up on
23 any kind of written transcript.

24 A Yes.

25 Q So I'll need you to make clear answers.

1 And if you don't understand a question that I
2 ask, feel free to ask me to clarify. Either I'll try to
3 rephrase the question or we'll ask Molly to read it back
4 to try to make sure that we can figure out what we're
5 saying.

6 Also, try not to interrupt me when I'm asking
7 you a question. I'll try to finish the whole question.
8 And then the same, I will try not to interrupt you before
9 I ask another question.

10 And if you don't know the answer to a question,
11 just say so. Say "I don't know." But if you do know the
12 answer to a question, you are required to answer it. Do
13 you understand?

14 A Yes, ma'am.

15 Q Okay. Mr. Frigerio, who represents the County
16 and the other Defendants in this case, may state an
17 objection after I ask a question. That does not mean
18 that I've asked a bad question. It does not mean that
19 you can refuse to answer the question. It just means
20 that if we decide to use the question at a later date,
21 Mr. Frigerio can argue to the judge that the question was
22 improper. Do you understand?

23 A Yes, ma'am.

24 Q Okay. If you'd like to take a break today or
25 have a drink, you can have a drink while sitting here.

1 So don't feel like you have to be a camel. That's fine.
2 Just let me know. I only ask that you finish answering
3 the question before we take a break.

4 A Yes, ma'am.

5 Q Is there any reason that you are not able to
6 give your full testimony today, such as you're taking an
7 impairing medicine?

8 A No, ma'am.

9 Q And we're going to look at some documents
10 today. You saw these lovely boxes over here. And we
11 probably won't look at all of those documents. We have
12 lots of paper. But it is your right to read a document
13 in its entirety and look at that document with
14 Mr. Frigerio. And I don't want to rush you through
15 anything. So if you need more time to look at something,
16 we can take a break and you can fully review it. And
17 just let me know if I'm asking you a question before
18 you're ready. Is that fair?

19 A Yes, ma'am.

20 Q And then later today, we are probably going to
21 watch some videos, and I've identified some clips and
22 time stamps of those videos. Because, to be frank,
23 watching all these videos would take a lot of time. But
24 it is your right to say, "I'd like to take a break and
25 watch the video in its entirety with Mr. Frigerio." Do

1 you understand?

2 A Yes, ma'am.

3 Q And I just, just to be clear, that I'm not
4 trying to trick you on any of the videos, just it will
5 take -- it would take a long time to watch all of them in
6 their entirety.

7 I'd like to start by letting you look at your
8 deposition notice for today.

9 MS. HEBERT: Daniel, will you pull out
10 Exhibit A --

11 MR. NELSON: Yes.

12 MS. HEBERT: -- and mark it as Exhibit 1?

13 MR. NELSON: You want me to just swing around
14 and give it to --

15 MS. HEBERT: Yeah. Let me give that to Deputy
16 Gereb.

17 Q (By Ms. Hebert) This is Exhibit 1, which is
18 your deposition notice for today. Have you seen this
19 notice before?

20 A I don't think I have. I've just been told to
21 show up at locations.

22 Q That's fine. Did you do anything to prepare
23 for today's deposition?

24 A I reviewed video.

25 Q Okay.

1 A My videos.

2 Q So what videos did you review?

3 A My dash -- my body camera.

4 Q Your body camera from?

5 A From the day of the incident.

6 Q Which would be March 16th, 2022?

7 A Yes.

8 Q So you watched your video from your body camera
9 from March 16th, 2022?

10 A Yes, ma'am.

11 Q And how many videos?

12 A There's two. Two separate ones.

13 Q Okay. So is it fair for me to say that you
14 watched the two videos that are associated with the
15 traffic incident in this case from your body camera?

16 A Yes, ma'am.

17 Q Okay. Did you review any documents?

18 A No, ma'am.

19 Q Okay. Other than conversations with
20 Mr. Frigerio or your other Counsel, which just to be
21 clear I'm not asking about, did you talk to anybody about
22 your deposition today?

23 A With them? Nothing in detail. No, ma'am. I
24 did talk to obviously my supervisor because he is my
25 supervisor. I haven't talked to Deputy Babb at all.

1 Obviously Deputy Molina, we -- I asked him when he's
2 doing it, but we haven't talked in detail of any of this.

3 Q Okay. Who is your supervisor right now?

4 A Sergeant Pete Gamboa.

5 Q Okay.

6 A He may go by Pedro. I'm still confused on that
7 part.

8 Q Okay. Good to know. I'll ask you about that
9 confusion probably. But what did you guys talk about?

10 A Oh, just when we were showing up and stuff like
11 that. We don't talk about cases until they're settled.

12 Q Okay. Thank you for that clarification.

13 And you didn't talk about the substance at all
14 with Deputy Molina either?

15 A No.

16 Q Did you bring any documents with you to the
17 deposition today?

18 A No, ma'am.

19 Q And today we're going to talk a lot about the
20 Bexar County Sheriff's Office. Can we agree that when I
21 say "the Sheriff's Office," I mean the Bexar County
22 Sheriff's Office?

23 A Yes, ma'am.

24 Q So we can just shorthand it to "Sheriff's
25 Office," rather than every time we talk about the

1 Sheriff's Office saying "Bexar County Sheriff's Office"?

2 A Yes, ma'am.

3 Q And if we talk about the Sheriff, can we agree
4 that I'm talking about Sheriff Salazar?

5 A Yes, ma'am.

6 Q Thank you. So I just would like to get to know
7 you a little bit better before we dig into anything that
8 happened in March. Why did you become a police officer?

9 A I needed something to do to raise my kid. I
10 was either going to be -- I was in the military at the
11 time. I was deployed in Iraq my first time. And my
12 daughter --

13 Q Thank you for your service.

14 A Thank you, ma'am. My daughter was born, and I
15 was in the process of trying to get into the Rangers.
16 And I decided, you know -- I looked at the research and
17 realized that this is -- that kind of unit is not for a
18 family. At the time, it was 2007, and the height of the
19 Ranger unit was deployed every six months. So they're
20 gone 180 days out of the year. So that's not --

21 Q My ex-boyfriend was a Ranger. And it was --
22 it's a hard life.

23 A Yeah.

24 Q It's a very hard life.

25 A And as I say, I did the research and I said,

1 you know what, let me try my stab at being a police
2 officer. And I tried with SAPD, and then ended up
3 getting orders to go back to Iraq. So I didn't really
4 get to really fulfill that part of going through the
5 process of it. And then came back home and ended up back
6 here. So --

7 Q So did you attend academy in the middle of
8 your --

9 A No.

10 Q -- military service? When did you attend
11 academy?

12 A I joined the Sheriff's Office in 2012 when I
13 was still a part of the Texas National Guard. And when
14 I -- I did their jailer's academy, you know, to go into
15 the jail. And then during that time I obtained my peace
16 officer's license through the San Antonio College Law
17 Enforcement Academy. And then in 2014 I tested for
18 patrol. And then I came out in 2016.

19 Q Okay. So let me just summarize to make sure I
20 understood that. You did the Bexar County Academy to
21 become a jailer?

22 A Yes, ma'am.

23 Q And then you tested into becoming a patrol
24 deputy?

25 A Yes, ma'am.

1 Q Is that fair?

2 A Yes, ma'am.

3 Q Is there a separate academy that happens
4 between being a jailer and becoming a patrol deputy?

5 A Yes. I had to obtain my peace officer's
6 license.

7 Q Okay.

8 A Which I did through the San Antonio College Law
9 Enforcement Academy.

10 Q Okay. Thank you. And what is your current
11 position with the Sheriff's Office today?

12 A I am a criminal interdiction deputy.

13 Q Okay. And how long have you been a criminal
14 interdiction deputy?

15 A I would say about three-and-a-half years.
16 There was -- I started in 2020, and then I went back to
17 patrol for manning. And then --

18 Q For what was that?

19 A Manning. Like they were short staffed.

20 Q Oh.

21 A Short staffed, I'm sorry. They were short
22 staffed. And then about a year later I came back, in
23 2021.

24 Q Okay. So break this down for me. Help me
25 understand that, because I didn't understand manning at

1 first. You became a criminal interdiction deputy in
2 2020?

3 A Yes, that's when the unit started.

4 Q Okay. And how long did you work as a criminal
5 interdiction deputy?

6 A I was there for about almost four months, and
7 then some of our guys had gotten some incidents involving
8 officer-involved shootings, which created a staff
9 shortage. So they sent me back to patrol to help with
10 the manning, or staffing.

11 And then about in May of 2021 is when I
12 returned back to the unit.

13 Q Okay. So you just took a brief pause to help
14 out with staffing --

15 A Yes, ma'am.

16 Q -- into patrol. What did you do before you
17 became a criminal interdiction deputy? What were your
18 prior positions?

19 A I was a regular patrolman.

20 Q Okay. How long were you a regular patrolman?

21 A I would say from about 2016 to 2020. So about
22 four years.

23 Q So about four years.

24 A Yes, ma'am.

25 Q And let me summarize what I'm understanding you

1 to say. You were a jailer, you became a patrol deputy.
2 Is that fair? And you were that for four years?

3 A Yes, ma'am.

4 Q And then what did you do immediately after
5 becoming a patrol deputy?

6 A I was trying to get into our DWI unit. So I
7 was trying to, you know, knock down -- I was taking
8 courses for traffic and DWI courses. And then during
9 that time, I was trying -- I did apply for our traffic
10 unit that, for DWI enforcement. And I unfortunately did
11 not get in, and I was offered this position. So I took
12 this position.

13 Q Okay. Thank you for being transparent about
14 that. I know sometimes when you don't get something you
15 want, it is a hard thing to talk about.

16 What's the difference between the traffic unit
17 then and the criminal interdiction unit?

18 A Traffic just purely enforces traffic
19 enforcement. And the night guys are primarily DWIs,
20 unfortunately, because that's when primarily people are
21 driving while intoxicated. And then during the day it's
22 more the aggressive type of drivers and stuff like that.

23 Q Okay.

24 A But they also specialize in major crashes and
25 fatalities that involve crashes and stuff like that.

1 Q So that's what the traffic unit does?

2 A Yes, ma'am.

3 Q Okay. Did you ever work in an administrative
4 role?

5 A No, ma'am.

6 Q Okay. I think that that's really helpful.

7 I guess given your law enforcement patrol
8 deputy role -- am I saying that correctly, the law
9 enforcement patrol deputy, or is there another way?

10 A You can say patrol time or patrolman or however
11 you want to phrase that.

12 Q Okay, thanks. In that role as the patrol
13 deputy, did you do traffic stops as part of your regular
14 duties?

15 A Yes, ma'am.

16 Q So even though you weren't part of the traffic
17 unit -- I think I wrote down traffic unit -- you still
18 did traffic stops?

19 A Yes, ma'am.

20 Q And do all officers who go out in the field
21 perform traffic stops?

22 A No, ma'am.

23 Q Okay. So what types of officers do traffic
24 stops?

25 A Mostly proactive.

1 Q Okay. What do you mean by that? Does that
2 mean that an officer chooses to do traffic stops if he
3 goes out in the field?

4 A Yes, ma'am. It's not required. As a patrolman
5 you're not required to do traffic stops. They train you
6 to do them, but it's not required. You're primarily --
7 your primary duties as a patrolman is to answer calls for
8 service, such as 911 check, disturbances, noise
9 complaint, anything of that nature.

10 Q Okay. So your primary duty as a patrolman is
11 to respond for calls for service?

12 A Yes, ma'am.

13 Q Did you do traffic stops as a patrolman?

14 A Yes, ma'am.

15 Q And about how many traffic stops would you do
16 on an average patrol day?

17 A I couldn't tell you. It could be one. It also
18 depends on the call volume. If they're -- if we're
19 slammed with calls for services, I mean, I do a traffic
20 stop. I mean, or if we're short staffed, I'll just sit
21 and wait for calls to pop up. That's usually how that --
22 so I couldn't give you an average.

23 Q I understand. Every day is different. So you
24 were a patrol deputy for four years. If you could give
25 an estimate of how many traffic stops you might have done

1 during that four years.

2 A I couldn't tell you.

3 Q 500?

4 A Again, I couldn't tell you. It's -- I never
5 really kept count like that.

6 Q Yeah, okay. So more than five?

7 A Yes, ma'am.

8 Q More than ten?

9 A Yes, ma'am.

10 Q Probably more than fifty?

11 A I would say so, yes.

12 Q Okay. So more than -- at least more than fifty
13 traffic stops in four years?

14 A Yes, ma'am.

15 Q That's just helpful context.

16 And it seems like most traffic stops, based on
17 what you just said, are done by folks in the traffic
18 unit. Is that fair?

19 A Yes, ma'am.

20 Q They do the outsized portion?

21 A That's their primary duty, yes.

22 Q And other officers who do traffic stops like
23 you probably do less of a percentage? Other patrolmen
24 would be doing less.

25 A Yes.

1 Q Any other units that do traffic stops?

2 A We have a street crimes unit that they're
3 uniformed deputies and they do the same thing basically,
4 traffic stops, gang contacting, that nature. They're
5 almost the same as what I do.

6 Q Okay. So we've got the traffic unit, we've got
7 patrolmen who choose to do traffic stops, got the street
8 crimes unit and we've got the criminal interdiction unit.

9 A Yes, ma'am.

10 Q Anybody else that I'm missing in terms of units
11 who do traffic stops regularly?

12 A Yes. We also have a gang unit that's also
13 involved in that as well. They work at night.

14 Q So we've got street crimes, we've got patrol,
15 we've got criminal interdiction, we've got the traffic
16 unit, and we've got the gang unit?

17 A Yes.

18 Q Does every patrol vehicle that does traffic
19 stops have the same equipment?

20 A No, ma'am. I'll elaborate on that for you.
21 Some vehicles are in the process of getting dash cams.
22 Not every vehicle has been outfitted. It's something
23 that the County has always been behind with. Technology
24 has always been the Achilles heel part of it. But
25 they're still in the process of doing all that.

1 Q Okay. So some have dash cams, some do not?

2 A Yes, ma'am.

3 Q Okay. I think it would be helpful maybe for me
4 to like walk through a list of equipment so we can just
5 talk about it.

6 A Uh-huh.

7 Q I know that traffic enforcement folks check for
8 speeding. What equipment checks for speeding?

9 A Radars.

10 Q Radars. And does every patrol car have a
11 radar?

12 A Yes, ma'am.

13 Q And where does the -- where is the radar on the
14 patrol car?

15 A So the radar, there's one coned in the front
16 and one coned in the back.

17 Q And by cone, you mean --

18 A It's the device that is -- that reads the
19 radar. Not reads the radar, it reads your speed.

20 Q Okay, thank you. So there's something that
21 reads on the front and something that reads on the back?

22 A Yes, ma'am.

23 Q And how do you make sure that the cone is
24 reading speeds correctly?

25 A We have a tool called a tuning fork, and we do,

1 we tap on the window and it reads a certain speed. So
2 one is read I believe 25 and the other is read at 40.

3 Q Okay. So you somehow -- you use pitches, a
4 tuning fork to like figure out --

5 A Yes.

6 Q -- if it's calibrating correctly?

7 A Yes, ma'am.

8 Q And how does an officer record that he checked
9 his equipment?

10 A There, there usually -- on a patrolman's base,
11 we record everything through a body camera. Or we have a
12 form that at the time most of us used the form.

13 Q Okay. So it's either on the body cam --

14 A Yes, ma'am.

15 Q -- or it's, there's a particular form that you
16 fill out each time that you calibrate, check your speed
17 equipment?

18 A Not so much calibrate, but if we find a
19 deficiency in the vehicle. Say the radar is not working
20 properly, leave the radar off, write it down, submit it
21 to our, I guess, our repair shop, fleet maintenance, and
22 the vehicle will be taken for service.

23 Q Okay. So if -- go ahead.

24 A If it's required. If it's needed.

25 Q All right. So let me make sure I understand

1 what you just said. You don't fill out the form unless
2 there's a problem.

3 A No. We still fill it out no matter what.
4 We'll put down deficiency, no deficiency or anything of
5 that nature. If there is a deficiency, we'll mark it
6 down for whatever it is.

7 Q Okay. So you fill out a form whenever you're
8 doing the vehicle check.

9 A Yes, ma'am.

10 Q Okay. That's helpful. And when do you fill
11 out this form?

12 A It's usually daily. But since the body cameras
13 have come out, usually it's up to the -- on patrol side
14 it's required that the patrolmen go around and do the
15 vehicle inspection daily on the body camera. That's for
16 the patrol side. Our unit is taking -- we have take-home
17 vehicles, and so we, we just -- we don't -- we usually,
18 when we get a new vehicle, we'll document everything
19 going on. Then after that, it's really on the person
20 himself to do the inspection on themselves. So that's
21 usually on that part.

22 Q Okay.

23 A But if there is a deficiency that comes up with
24 the vehicle, we report it and we get it serviced.

25 Q All right. So let me unpack -- that was a lot

1 of information. Thank you.

2 So patrolmen, they don't get take-home
3 vehicles?

4 A No, ma'am.

5 Q And when they come on duty on a particular day,
6 they check their vehicle and fill out the form. Is that
7 fair?

8 A Yes, ma'am.

9 Q And they are required to do that every day?

10 A Yes, ma'am.

11 Q And for the criminal interdiction unit, you
12 guys get patrol cars that you get to take home, to and
13 from work.

14 A Yes, ma'am.

15 Q And it's your responsibility to check out your
16 vehicle and if you notice something's wrong, you fill out
17 a form.

18 A Yes, ma'am.

19 Q But you're not -- the criminal interdiction
20 patrol deputies aren't checking their vehicles every day.

21 A We do check them every day. I know for me
22 personally, I check mine every day. I live in an
23 apartment complex, so people ding my doors all the time,
24 so I check, see if there's any deficiencies, see if
25 there's anything that I need to report.

1 Whenever I start up my vehicle, I check for --
2 you know, I listen to the engine, listen to -- the tires,
3 see if the tire's flat, check the radar, check my
4 computer, make sure it's working, make sure my printer is
5 working, make sure my cameras are working. If my cameras
6 are not working, I go get that serviced right away.

7 Q Okay. So you have a best practice of you check
8 your vehicle every day you come on duty.

9 A Yes, ma'am.

10 Q But nothing requires you to do that.

11 A Not -- not required.

12 Q And you don't have to fill out a form that you
13 do that --

14 A No, ma'am.

15 Q -- on a daily basis, like the patrol folks do.

16 A No. We're just told to be proactive. If you
17 need to take it to service, go get it serviced.

18 Q Okay. Is there any equipment on a patrol
19 vehicle that helps you check to see if a driver's staying
20 in their lane? I know there's like a lot of good
21 technology these days. I have one on my car that like
22 tells me when I'm moving or not in the lane. Is there
23 anything on a patrol vehicle that can tell you if a
24 driver's staying in their lane?

25 A No, ma'am.

1 Q Does every patrol car have a radio?

2 A Yes, ma'am.

3 Q Okay. And I've seen patrol cars in the movies
4 with like the little handheld thing and then there's like
5 a spirally cord. Is that part of the radio?

6 A Yes, ma'am.

7 Q And what's the term for this piece of
8 equipment?

9 A Mike.

10 Q Okay.

11 A Microphone.

12 Q It's just the microphone?

13 A Yes.

14 Q And in general, what's the purpose of the radio
15 in the police patrol vehicle?

16 A To transmit information.

17 Q And do you get information back from the radio?

18 A Yes, ma'am.

19 Q And is there -- is there a log that's created,
20 or are the radio transmissions recorded?

21 A They are recorded. I know through audio, the
22 dispatchers have the ability to pull them. And I believe
23 there's also an incident detail report. I'm not sure if
24 that records anything that was said, but if we type
25 something in, it will record it.

1 Q Okay. So let me understand that. There is a
2 report -- and we can talk about those later, in a little
3 bit -- that will record if you type something in your
4 computer. But for the radio, there's an audio file that
5 records what's said?

6 A Yes, ma'am.

7 Q What is a license plate reader?

8 A A license plate reader is a camera that reads
9 your license plate.

10 Q Okay. So it's -- does it automatically read
11 the license plate, or do you have to type something in?

12 A It automatically reads the license plate.

13 Q Okay. And do patrol vehicles have license
14 plate readers on them?

15 A Not all patrol vehicles. Usually special
16 equipment gets assigned to special units.

17 Q Okay. And what kind of units have license
18 plate readers?

19 A My -- the criminal interdiction unit has them,
20 and then usually -- right now they're the only ones that
21 have them.

22 Q And where on a patrol vehicle is the license
23 plate reader located?

24 A So where we had ours, I know at the time I had
25 mine was on the push bumper, or that grill -- I guess the

1 grill as you might call it, but it's called a push
2 bumper, and they mount the cameras right there.

3 Q Okay. So if I'm understanding you correctly --
4 and bear with me because I don't know what a push bumper
5 is. Like the front of the car somewhere?

6 A Yes.

7 Q Okay. And the grill of the car, I think that's
8 like that intermesh thing on the front.

9 A Yes, the push bumper, it could be -- I call it
10 a grill, some people call it a grill. It's the bars that
11 are in front of the vehicle.

12 Q Okay. That's helpful. Thank you. And what
13 kinds of information does an officer get from a license
14 plate reader?

15 A It depends on the type of license plate reader
16 that you have and the accessibility that you have to that
17 license plate reader system. I will say that ours, we --
18 technically -- like I say, it really depends. But the
19 ones that we use are commercial. So it will scan, and if
20 there's an alert on a vehicle, it can tell you if it's
21 stolen, it can tell you if it's, if it's being used as a,
22 for smuggling or there's some type of alert with it,
23 Amber Alerts, Clear Alerts. If they get put into the
24 system, they'll -- it can -- it has the ability to notify
25 us.

1 Q Okay. There was a lot there, and so I'm going
2 to take us a couple of steps back so that I understand
3 what you just said.

4 You said it depends on the type of license
5 plate reader. Are there different types?

6 A Yes, ma'am.

7 Q And what are the different types?

8 A You have ones that are assigned to federal
9 databases.

10 Q Okay.

11 A You have some that are just commercial. They
12 read -- for tow truck companies, they'll go around and
13 they'll use -- for vehicles that are up for repo, and
14 they'll scan them, and "Oh, look, this vehicle is up for
15 repo." They'll send a tow truck in a little bit of time
16 after, grab the vehicle, and then they're gone, which is
17 what we currently use.

18 Q So you use the --

19 A Commercial --

20 Q -- repo commercial license plate reader?

21 A Yes, ma'am.

22 Q And what kinds of information does that give
23 you then?

24 A It really, it really depends. Most of them do
25 generally the same thing. It can tell you where a

1 vehicle's been scanned at.

2 Q Okay.

3 A So say if it was on the highway, it will tell
4 you it's on this part of the highway and this block
5 range. Or if the vehicle was scanned at a hotel, motel,
6 apartment, subdivision, it can really just relate to
7 that.

8 Q Okay. How does that work? I'm a little
9 confused. So do people like -- are there other police
10 all the time going around scanning license plate readers,
11 and so then you can see what other police have scanned?

12 A No, ma'am. No, ma'am. It's -- like tow truck
13 companies, tow truck companies have people that -- they
14 pay people that have these license plate readers. And if
15 you see a random car like with a Honda with those big
16 rectangle cameras, those are license plate readers.
17 You'll see them randomly going through neighborhoods,
18 going through apartments, hotels. They're looking for --
19 they're repos, looking for their -- things like that.
20 That's a commercial reader.

21 Q Okay. And I guess like -- you're saying
22 "commercial reader." Are there like brands then of
23 license plate readers?

24 A Yes, ma'am.

25 Q And what brand do you guys use?

1 A We use a Vigilant.

2 Q Okay. And you were telling me a little bit
3 about alerts that you get. Can you tell me more about
4 that?

5 A Yes, ma'am. The alerts, again, it could be if
6 a vehicle's been flagged for a possible smuggling, a
7 vehicle's been flagged for a murder suspect, alerts, like
8 Amber, Clear, Silver, things of that nature. And then
9 we've also had them that said alert for vehicles that
10 have been used in criminal activity. So -- but that also
11 too goes, depends on the accessibility that we are
12 allowed to have.

13 Q Okay. So let me break that down. How do you,
14 how do you read a license plate reader? Like where does
15 the information show up?

16 A So we have a software, the Vigilant software,
17 and it will pop up on our screen, if it's an alert. If
18 not, then we just scan them, and then if we feel
19 there's -- if we feel there's something going on, we'll
20 look at the vehicle, or we have the -- we'll type in the
21 information in the database and see what goes on.

22 Q Okay. So you're sitting in your patrol car.
23 You're -- you've got your computer. I'm going to talk
24 about the computer in a second. But somehow the license
25 plate reader feeds information to that computer?

1 A Yes.

2 Q And then alerts will pop up? Am I

3 understanding that correctly?

4 A Yes.

5 Q And you read the alerts?

6 A Yes, ma'am.

7 Q And do you, do you ever have to like
8 affirmatively point, direct the license plate reader at a
9 vehicle to have it read that, or does it just like -- is
10 it an automatic thing, the license plate reader's just
11 constantly reading?

12 A They're constantly reading.

13 Q Okay.

14 A If they're on, they're reading.

15 Q Okay. So you turn -- do you have to turn your
16 license plate reader on?

17 A Yes. Once you activate the software, when we
18 turn on the software computer for the day and the cameras
19 turn on, you check your cameras and stuff like that.

20 Q Okay. So you have to affirmatively turn your
21 license plate reader on, and then it scans all the
22 license plates it sees?

23 A Yes, ma'am.

24 Q And then if something prompts an alert, that
25 pops up on your computer screen?

1 A Yes, ma'am.

2 Q Am I understanding all of that correctly?

3 A Yes, ma'am.

4 Q Okay. And then are there logs of these alerts
5 that you can check?

6 A No, ma'am.

7 Q So it's just a real time alert pops up, you
8 click out of it, you'll never be able to access that
9 alert again?

10 A No. So if an agency, say like the Bexar County
11 Sheriff's Office says, "Hey, this vehicle has been -- is
12 a suspect vehicle in a homicide," they'll -- if they --
13 if the investigator or the officer handling that case or
14 the case agent handling that incident puts it into the --
15 enters it into the database that this vehicle is a
16 suspect vehicle in a homicide case or whatever criminal
17 activity was involved in, it will pop up.

18 And it has to be -- it has to alert us. And
19 that's up to, again, the individual officer to input
20 that. Like I said, Amber Alert or Clear Alerts, they've
21 got a vehicle that's, you know, that's possibly involved,
22 associated with that incident, they'll type in that
23 license plate into a, into the database, and which is the
24 software program.

25 Q Sure.

1 A And it gets shared with any people that have
2 access to their program.

3 Q Okay. And so if you wanted to go in and check
4 the record on a particular license plate, let's say you
5 found a car and you're not reading your license -- using
6 your license plate reader, you could type it in and it
7 would pull up all the alerts for that vehicle?

8 A It could pull up the alert for the vehicle or
9 it could show you where that vehicle's have been.

10 Q Okay. Tell me more about that. How does it
11 show you where the vehicle's been?

12 A It will give you a picture of the vehicle how
13 it's scanned. So if it's on the highway, you'll see it
14 driving down the highway. Not moving, but you'll see
15 it's on the highway, parked at a building. So a picture
16 of the vehicle parked at a building. And then it will
17 show you the map or the block range where it's located
18 at.

19 Q Okay. So it will show you like kind of each of
20 the hits?

21 A Yes, ma'am.

22 Q Is that a good descriptor? It will show you
23 like each hit for where the vehicle has been read?

24 A Yes, ma'am.

25 Q Okay. That's helpful.

1 How do you know if the information from a
2 license plate reader is correct? I'm sure that maybe
3 there's like misreads sometimes. How do you check it?
4 How do you know?

5 A Can you rephrase that?

6 Q Sure. I guess how do you know that the license
7 plate reader is reading the correct license plate number
8 all the time?

9 A You verify with the vehicle.

10 Q You just visually look?

11 A Yes. So I look down, it says this, and it says
12 it's a Chrysler, or it's reading -- I look at a Chrysler,
13 "Oh, look, it's a Chrysler." Then you also -- it's up to
14 us to do that work, you know, to make sure, look and
15 physically verify as well.

16 Q Okay. And have you ever seen the license plate
17 reader misread a license plate?

18 A As far as?

19 Q Like, you know, my license plate is LP2, and it
20 reads it as LP3?

21 A No, ma'am.

22 Q Okay. And how do you know that the information
23 in the log is correct? If per se like an officer who's
24 in a different entity input the wrong license plate
25 number, would you necessarily know that?

1 A Again, it's up to us to verify and make
2 those -- to further investigate that. So if, like you
3 said, if another agency inputs that this vehicle is
4 targeted for something, like it's got something going on
5 with it, the -- it's up to us to call that agency and
6 find out, "Hey, what's going on? What's up with this
7 vehicle? I'm behind it. Do you need it stopped?" And
8 it's up to them to verify with us what we're looking at.

9 Q Okay.

10 A So it goes into a whole network of finding out
11 what's going on. And again, it's up to us to say, okay,
12 even though we see it here, we still have to visually and
13 physically look and do our homework on it, I guess you
14 could say.

15 Q Okay. That's helpful.

16 And how often would you say that you have to
17 call another agency to do your homework?

18 A It -- so again, that also goes to the
19 accessibility of the reader. But not very often.

20 Q And what do you mean by that then, the
21 accessibility of the reader?

22 A So sometimes -- like say -- there are other
23 commercial readers. We have to have access to TCIC/NCIC
24 which is a federal database.

25 Q I'm going to write that down. TCIC/NCIC?

1 A Yes.

2 Q Did I get that right?

3 A Yes.

4 Q What is that?

5 A Basically, whenever we run your license plate,
6 it will give us the information of, hey, the vehicle is a
7 2022 Chrysler 300. Belongs to John Doe. This is the
8 last known address, the registration, if it's got
9 insurance, things of that nature.

10 Q Okay. So that's like the database of like
11 where your -- who owns what car and what license plate
12 and --

13 A Yes.

14 Q -- where it's registered.

15 A Yes, ma'am.

16 Q That's helpful. Thank you.

17 And if a car is flagged for smuggling or, you
18 know, an Amber Alert, you wouldn't -- would you know if
19 that's correct other than calling the law enforcement
20 agency?

21 A I would still call the law enforcement agency.

22 Q Okay. I think that's helpful.

23 So that I understand, your alert system, when
24 it pops up, that's automatic. You don't have to do
25 anything affirmatively to get the alert to come up?

1 A There -- you have to be, with the Vigilant
2 readers, you have to be on that agency's alert list.

3 Q Okay. So --

4 A And you also have to -- it also has to be
5 accessed to TCIC/NCIC, which you need a, I believe it's
6 called an MOU, a mode of -- motion of understanding, I
7 believe I'm reading that right. It has to be signed by
8 the D.A.'s office and the State.

9 Q Okay. I'm going to go back a little bit then.
10 How -- I'm trying to figure out how to ask this question.
11 What agencies do you work with?

12 A A lot.

13 Q Okay.

14 A But primarily, local agency-wise, SAPD, Bexar
15 County, Castle Hills, anything that's got a law
16 enforcement entity to it.

17 Q And do they all have license plate readers as
18 well?

19 A Some do, some don't.

20 Q And so when you're in the license plate reader
21 software, what do you do? Like you're driving down the
22 road. What do you -- I'm not quite understanding how it
23 works. So tell me about what your screen looks like and
24 what you do to interact with the license plate reader.

25 A At the time, when mine were working, it was a

1 screen, four screens, or however many cameras you've got.
2 At that time we had four cameras on the thing, positioned
3 a certain way you want it.

4 Q Four cameras on your patrol vehicle?

5 A Yes. And it would just read. And it just pops
6 up, and you hear it ding, ding, positive read. And so
7 it's up to you to control the volume, all that stuff, the
8 settings you want it to work on. If it's getting a good
9 read, it will alert the read, and then you look at it and
10 you go from there.

11 And then if you want to look into a vehicle and
12 you research it, that's up to you to follow that up.

13 Q Okay. Do you see -- you see what agencies
14 have --

15 A No.

16 Q -- flagged what vehicles on these things, these
17 alerts?

18 A No, ma'am. It will pop up if there is an
19 alert, and then you can -- like I said, you go into
20 TCIC/NCIC and do your homework on it, research it. Find
21 out, you know, what's going on with the car. And then if
22 there is an alert with it, TCIC/NCIC should have someone
23 to contact.

24 Q Okay. So I think that's really helpful. You
25 get an alert that pops up. What do you usually see on

1 the alert?

2 A It depends on what it is. If it's human
3 smuggling, possible narcotics vehicle, possible, you
4 know -- again, it just depends. It really depends.
5 Possible Clear Alert vehicle, and then, you know, you do
6 your research on it. If there is a flag for it, you call
7 the agency and find out what's going on.

8 Q Okay. And how do vehicles get flagged? So we
9 talked about human trafficking, you mentioned that one.
10 How does a vehicle get flagged for human trafficking?

11 A It has to be input in by the, I guess you could
12 say the case agent, the one who's investigating that
13 vehicle, it has to be inputted.

14 Q Okay. So some case agent at a different agency
15 inputs it into the license plate reader as potential
16 smuggling?

17 A Yes, ma'am.

18 Q Do you Sheriff's Office officers, your
19 Sheriff's Office officers ever input vehicle information
20 into the license plate reader database?

21 A Yes.

22 Q And why would you input a vehicle into the
23 database?

24 A If there's suspicion of some type of activity
25 that this person is involved in. And you just, you know,

1 you forward it around. Again, sharing information. It's
2 a network.

3 Q Yeah. So at what point do you have suspicion
4 that you can enter this person's information into the
5 database? I mean, I guess what I'm trying to ask is, you
6 know, you see someone on the street, you say okay, that
7 person could be a drug dealer in your mind. You have a
8 lot of experience. You see that person. You say, okay,
9 they could be someone who's up to no good. At what
10 point, what information do you have to have to put that
11 person's car into the database?

12 A Reasonable suspicion that they might be
13 involved.

14 Q And so what kind of things create reasonable
15 suspicion for the license plate entry?

16 A Typical reasonable suspicion. Like I said, it
17 all depends on your interaction with that person.

18 Q Okay. Break down for me what a typical
19 reasonable suspicion fact would look like in this
20 example. You can just use an example.

21 A Example-wise, you stop someone, you find out
22 they've been -- you know, "Hey, where have you been?"
23 You know, you talk to them, ask them whatever questions
24 you feel like you need to ask them.

25 Some I have talked to have had -- they've told

1 me, "Yeah, I've been locked up federally for smuggling of
2 dope."

3 "Okay. Where are you going? You know, what
4 are you doing? What are you doing?" You know, find out,
5 you know, their path. And then if they're still doing
6 things that are in the same pattern of a typical
7 smuggler, then you can input it into a system. And then
8 you could -- you know, you go from there. And then if
9 they get spotted by another agency and the agency says,
10 "Hey, we spotted this vehicle." They'll call you. "Hey,
11 what did you see? What did you hear with this guy?"
12 That's them doing their investigation on their end.

13 Q Okay. That was helpful. If you get an alert
14 from a license plate reader, are you automatically going
15 to stop that vehicle?

16 A Me personally? No.

17 Q Okay. Do you know if other officers stop based
18 purely on a license plate reader note or --

19 MR. FRIGERIO: Objection, form.

20 A No.

21 Q (By Ms. Hebert) Do you know if other officers
22 stop based purely on license plate reader alerts?

23 A Not that I know of.

24 Q Okay. If you don't automatically stop someone
25 based on a license plate reader, what exactly do you do?

1 A My homework, my research.

2 Q Right. And so you talked a little bit about
3 that. Who -- like who do you call?

4 A If I need to call someone, I make a phone call.
5 If not, I do -- like I go through the databases,
6 TCIC/NCIC, research the vehicle through the software and
7 stuff like that.

8 Q That feels like a lot of tasks to do on the
9 side of the road. How -- how do you manage that?

10 A On the side of the road?

11 Q Yeah.

12 A Same way we do it always, you know, type it.
13 If it feels like something you need to go after, we'll go
14 after it.

15 Q Okay.

16 A And again, sometimes -- it all depends too is
17 how far are you from the county line and where your
18 jurisdiction ends. If it goes into another jurisdiction,
19 then I'm kind of like already -- well, kind of hitting
20 the brakes, but I'll make my phone call, "Hey, there
21 might be a vehicle that might have something going on
22 with it."

23 Q Okay.

24 A So --

25 Q That was very helpful. Thank you for being

1 patient with me as I learned about license plate readers.

2 I'd like to learn a little bit more about the
3 body cameras. Does every sheriff's officer who goes out
4 into the field have a body camera?

5 A Yes, ma'am.

6 Q And is the body camera running the entire time
7 that you're in the field?

8 A It is on. Right now I have mine off because we
9 are in a court setting. But it is on and it is required
10 to be in a -- if it's not recording a video, it's
11 required to be in what they call buffering.

12 Q Okay.

13 A So that way at the time it's, hey, I'm going to
14 turn mine on, it's already buffering.

15 Q So it's like a standby mode?

16 A Yes, ma'am.

17 Q So, and I'm just going to summarize what I
18 understood you to say. Every patrol officer has -- every
19 officer who goes in the field has a body camera?

20 A Yes, ma'am.

21 Q It's on all the time in the standby mode?

22 A Yes, ma'am.

23 Q What does an officer have to do to take the
24 body camera out of the standby mode into the active
25 recording mode?

1 A You can activate it with -- ours, just press
2 the circle, the big circle here.

3 Q The big circle in the middle?

4 A Yes. Sometimes they get activated by lights.
5 Once we're doing a traffic stop, everything, it will
6 activate itself.

7 Q Oh, you mean the patrol car lights?

8 A Yes.

9 Q I thought you meant lights in general. So let
10 me understand that. You can click the big button in the
11 middle and that turns it into the active mode?

12 A Yes.

13 Q And sometimes the body camera will
14 automatically go into active mode if you turn your patrol
15 car lights on?

16 A It will always go on active mode. If it's on,
17 it will -- as soon as you, as soon as you flip the
18 switch, turn on your lights, emergency lights, it will
19 automatically start recording.

20 Q Okay. That's helpful. And how does the
21 footage from that little camera on your chest get saved?

22 A It gets uploaded into the Axon, I think it's
23 Axon database.

24 Q So does that mean that the camera that you're
25 wearing right now, like records into the cloud?

1 A For lack of a better term, yes.

2 Q Okay. And you don't have to like plug it in
3 and link it and upload the footage?

4 A No. No. Sometimes you do have to up-dock it,
5 with the docking station. Sometimes you get so many
6 videos it takes forever to upload. Or there's an update.
7 So when you plug -- when you dock it, it will upload an
8 update or some kind of -- do a software for the camera.

9 Q Okay. How do you know if it's having trouble
10 uploading footage?

11 A It just takes forever to record. Or it will --
12 recently, most recent I've seen is it will say error --
13 it will give like some type of error message, like
14 "Error, try again later." It will -- if it continues on
15 with that, then you report it. So typically that's
16 usually resolved just by docking it on the docking camera
17 and you need to update.

18 Q Okay. So let me break that down and go back a
19 little bit. When it's having trouble uploading the
20 videos to the cloud, there's somewhere on the camera that
21 gets to be an indicator?

22 A No. So on our computer, on the onboard -- the
23 patrol vehicle's onboard computer, it has a software
24 where we can -- which is through Axon, and we can type in
25 title of the video, we can put down traffic stop,

1 warning, and then we can upload the video through
2 Bluetooth.

3 So this is reading -- it's transporting
4 information via Bluetooth to the computer, which is
5 getting uploaded to the Axon database.

6 Q Okay. Thank you. And the Bluetooth reading to
7 the computer, is that automatic?

8 A For the dash, yes, it will automatically do it
9 if you don't get to it in time. For the body camera, no.
10 You have to manually do it yourself.

11 Q Okay. So you have to connect the body camera
12 to the computer?

13 A No. You've got to --

14 Q Pair it?

15 A Oh, I'm sorry. That -- the question you told
16 me about earlier. No, the body cameras have to be paired
17 to the computer. And then once it's automatically
18 paired, it's up to you to manually go in and say upload.

19 Q Okay.

20 A And click on the upload button. But it does
21 not have to be connected manually to the computer.

22 Q Okay. I think I understand that. So let me,
23 let me make sure I'm getting this right. To upload the
24 body camera footage, it doesn't happen automatically. It
25 goes through the computer to upload?

1 A Yes.

2 Q Okay. And you have to click "upload" for -- on
3 the computer for it to upload?

4 A Yes, ma'am.

5 Q Okay. And when do you -- when do you upload
6 footage from a body camera through the computer to the
7 cloud?

8 A Me, the way I do it personally, is after every
9 stop. After every incident, after everything, so it's
10 already recording -- I mean uploading. I'm sorry. And
11 that way it's not taking up memory.

12 Q Okay. And do you know how other officers, what
13 their practice is?

14 A No, ma'am.

15 Q Okay. So your practice is after every stop,
16 you upload?

17 A Yes, ma'am.

18 Q Okay. Can you -- when you're -- when you hit
19 the button to record or your lights have turned on your
20 body camera, can you turn it off?

21 A Yes, ma'am.

22 Q And can you mute it?

23 A So the old ones, at the time of this incident,
24 you were able to mute your camera. The new ones, you
25 don't have -- we don't have the ability to.

1 Q Okay. So when did you get the new ones that
2 you cannot mute?

3 A On -- I recently got mine maybe in the fall of
4 last year.

5 Q Fall of 2023?

6 A Yes, ma'am.

7 Q But before fall of 2023, you could choose to
8 mute it?

9 A Yes, ma'am.

10 Q Okay. And can you turn it off now that you
11 have the new camera?

12 A Yes, ma'am.

13 Q And you could turn off the old camera too?

14 A Yes, ma'am.

15 Q Okay. How does an officer check that his
16 camera is recording properly?

17 A On -- the lights on the camera will show
18 that -- if it's green, buffering. If it's red, red
19 flashing, it's recording. And our supervisor's also now,
20 and I believe the old ones, they also have the ability to
21 watch it live. So if this is on, as me and you are
22 talking, my supervisor could actually key in live and
23 watch the interaction going on.

24 Q Okay. Before the fall of 2023, would a
25 supervisor have to like access the records then of the

1 body camera, the footage, to review them at a later date?

2 A Yes, ma'am. They could do that whether it's
3 live or not live.

4 Q Okay. And today it has the live capacity?

5 A Yes, ma'am.

6 Q Okay. And it seems like you just talked about
7 the green light is if it's in buffering, and the red
8 light means it's recording.

9 A Yes, ma'am.

10 Q So if you don't look down, you might not see
11 what status your light is.

12 A Yes, ma'am. But my -- there's also a beeping
13 noise. It will let you know -- so it can be activated or
14 deactivated. If it's deactivated, it will vibrate.

15 Q Okay. So tell me more about that. If you
16 activate your body camera, it makes a beeping noise?

17 A Yes. So every, after -- so every -- I think
18 it's every two, two to five minutes, something of that
19 nature, it will -- you'll hear a beep-beep, you know,
20 that it's still recording. And then also, you know, say
21 typically like how your phone or air pods or whatever
22 you're listening to is going low on battery or something,
23 it will make an alert to you as well.

24 Q And what does that sound like?

25 A It will just make the beeping noise.

1 Q Okay.

2 A And it will become more frequent.

3 Q So if it's beeping at you a lot, then you
4 know that it's --

5 A Something's going on.

6 Q -- running out of battery?

7 A Yes, ma'am.

8 Q And if it's beeping -- as I understand what you
9 just said, if it's beeping regularly, beep beep, that
10 means my body camera is on?

11 A Yes.

12 Q And so I guess the indication there is if it's
13 not beep beeping for a long period of time, you're like
14 oh, my body camera, something's wrong with it?

15 A It can be. It really depends on the officer.
16 I like to leave mine on, because I can hear it, like it's
17 doing its job.

18 Q Okay. And how often have you seen an error
19 with your body camera?

20 A Most recently with the new ones, because
21 there's been a lot of software, you know, they have their
22 kinks and bugs, it's just most recent with this one. My
23 old one never had any issues.

24 Q Okay. So the new body camera since 2023 has
25 had a couple of issues?

1 A They've been worked out. That's really on the
2 software.

3 Q Yeah, they got the kinks worked out.

4 A Yes.

5 Q The old one, you had never like seen it
6 malfunction?

7 A No, ma'am.

8 Q Okay. We talked a little bit about -- how are
9 we doing? Everybody doing okay?

10 A I'm fine.

11 Q Okay. I know coffee in the morning, sometimes
12 people need breaks.

13 We talked a little bit about dash cameras and
14 how not all of the patrol vehicles have dash cameras. At
15 the beginning of the conversation you indicated they're
16 still rolling those out. Is that fair?

17 A Yes, ma'am.

18 Q What percentage of patrol vehicles would you
19 say had a dash camera right now?

20 A I couldn't tell you. I haven't been on patrol
21 in almost four years.

22 Q Yeah. Do all of the criminal interdiction
23 folks have a patrol -- or a dash camera?

24 A Yes, ma'am. All specialized units have dash
25 cameras.

1 Q And by specialized units, do you mean the
2 street crimes unit, the gang unit, the criminal
3 interdiction unit? Anybody else that I'm missing?

4 A The gang, street crimes, traffic, if you're a
5 marked unit or you're an unmarked unit, you're a
6 uniformed deputy, your car is supposed to be outfitted
7 with a camera.

8 Q Okay. That's helpful. Thank you.

9 And do all of the cameras, all the patrol
10 vehicles -- I misspoke there. Do all of the patrol
11 vehicles who have a dash camera have both a front and
12 rear dash camera?

13 A Patrol-wise, like I said, I couldn't tell you
14 on patrol. Specialized units, yes.

15 Q So they have both. All the specialized units
16 have both a front and rear.

17 A Yes, they are required.

18 Q Okay. Can we agree that I'll shorthand both
19 the front and rear cameras on a patrol vehicle as the
20 dash cam?

21 A I'm sorry, can you repeat that?

22 Q Can I just call the front and rear cameras the
23 dash camera generally? Can we agree to use that term, or
24 is there something that you would prefer to use?

25 A I would say dash is for front and rear for

1 rear.

2 Q Okay. So if I say dash cam, that's specific to
3 the front camera?

4 A Yes, ma'am.

5 Q And if I want to say rear, we'll specifically
6 say that one.

7 A Yes, ma'am.

8 Q Do officers ever have like a term that they use
9 to refer to both of them together?

10 A Cameras.

11 Q Cameras. Patrol cameras?

12 A Yeah.

13 Q Or patrol car cameras?

14 A We say, "Your cameras are on?"

15 "Yeah."

16 Q Okay.

17 A That's it.

18 Q And when they say your cameras are on, are they
19 meaning your body camera too?

20 A Yes, everything.

21 Q So when they ask the general question of "Are
22 your cameras on," they're maybe referring to all three?

23 A Yes, ma'am.

24 Q Is a dash camera and the rear camera running
25 the entire time that you're in your patrol vehicles?

1 A No, ma'am. They're on, again, standby until
2 activated. The rear camera doesn't get activated until
3 you either have something of evidentiary value or you
4 have someone in the back seat.

5 Q Okay. So the rear camera then is not on the
6 rear of the vehicle pointing back.

7 A It's in the back seat.

8 Q Okay. So it's in the back seat. So you have
9 your dashboard camera, which is in the front of the
10 vehicle, and your rear camera looks at the, the --

11 A The back seat basically.

12 Q The back seat. So where on the patrol vehicle
13 is the dash cam located?

14 A It's on the -- it's mounted to the front
15 windshield on the top by the rear view mirror.

16 Q Okay. So it's somewhere up there?

17 A Yes, ma'am.

18 Q And when does the dash cam, the dash cam
19 specifically, become activated?

20 A You can either activate it yourself manually or
21 you can -- lights, when you activate your lights, it will
22 automatically turn on.

23 Now with Bexar County, we have our holsters
24 are -- can also activate the -- when we draw our firearm,
25 can activate the camera and -- the body camera and the

1 dash cam, and as well as our tasers.

2 Q Okay. So now there's a new technology that if
3 you take your gun out of your holster, it turns on all
4 your cameras?

5 A Yes.

6 Q But otherwise, the dash cam, the front dash
7 cam, turns on if you manually turn it on or the lights
8 come on?

9 A Yes, ma'am.

10 Q And can you turn your dash camera off after it
11 automatically turns on?

12 A Yes, ma'am.

13 Q And what about the rear camera? You talked a
14 little bit about it, but I don't think I understood. You
15 have -- do you have to manually turn on the rear camera
16 into the seat?

17 A Yes, ma'am. It's only, it's only -- it's only
18 activated manually.

19 Q Okay. So when you turn on your lights, the
20 rear camera does not turn on.

21 A Yes, ma'am.

22 Q How does the footage from the dash camera get
23 saved? I think you were talking a little bit about this
24 before, but I want to make sure I understood because I
25 was focused on the body camera earlier. Is the saving

1 for the dash cam automatic?

2 A Yes, ma'am.

3 Q And so --

4 A The same way as we do this. If we don't get to
5 it in time, like to title it or to label it, it will
6 automatically just upload on its own and you have to go
7 in at a later time and fix it.

8 Q So no requirement for you to intervene to
9 upload the dash cam at all?

10 A No, ma'am.

11 Q Okay. And so I assume the saving and the
12 uploading are basically the same thing in this context?

13 A Yes, ma'am.

14 Q Okay. How often generally does an officer have
15 to check to make sure his dash cam is working?

16 A We check it every day.

17 Q Okay. And is there -- is there a record of
18 that check that happens every day?

19 A No, ma'am. Once you turn it on, it will, like
20 I said, same thing, it has lights and it will tell you if
21 it's synced properly with the onboard computer, and then
22 you can look at the computer and see through a live view
23 and see that it's visually showing.

24 Q Okay. So when you get in your patrol vehicle
25 for the day and you turn on your patrol vehicle, you can

1 see the dash cam view through your computer.

2 A Yes, ma'am.

3 Q And tell me more about the lights on the dash
4 cam.

5 A It's the same way. I think they're purple and
6 green. I know purple means that it's synced properly, or
7 that it's -- you know, it's connected properly to the
8 computer. And then green just says good to go, it's
9 ready to -- as soon as -- it's buffering.

10 Q So if both -- if the camera is working
11 correctly, both the purple and green lights should be on?

12 A Yes, ma'am.

13 Q Okay.

14 A And if it's not synced, it will just be the
15 green light.

16 Q And if it's not synced, does that mean it's not
17 going to record?

18 A No. It will still record. It will still
19 record. Again, it just has to go in there and look --
20 make sure it's uploaded properly and all that stuff.

21 Q So if the purple light is not on, it's not
22 synced to the computer, you'll have to manually do the
23 upload or double check it later --

24 A Yes, ma'am.

25 Q -- to get it to work.

1 A And if it's not there, then you've got to take
2 it to get serviced.

3 Q Okay. That's helpful. So if you're not seeing
4 the record of whatever you experienced, let's say you
5 turned on your lights and the dash camera is supposed to
6 be recording and you finish whatever you're doing and you
7 see that one of the lights isn't on or the purple light's
8 not on, you're supposed to take it in.

9 A Yes, ma'am.

10 Q And where do you take it in to?

11 A We take it to our fleet maintenance, and we'll
12 have people that work on the cameras come out and they'll
13 have a look at it.

14 Q And has that ever happened to you where you've
15 realized the purple or the green light's not on and you
16 take it to the maintenance folks?

17 A Yes, ma'am.

18 Q And what happens?

19 A They, they either say the memory was full, or
20 they have to upload, they have to do the repairs.
21 Sometimes they'll say it needs a new camera. You know,
22 they'll let you know what the fault is.

23 Q And if your camera's not working and you have
24 to go take it to get serviced, presumably that means
25 you're not out doing your job at that point.

1 A At that point we down the vehicle or we turn
2 the vehicle in to be serviced. We call it downing. And
3 then we'll just double up with another officer.

4 Q Okay. So if there's something wrong with your
5 dash cam or your car, in general, you take it to the
6 service people, and then you'll go out with another
7 deputy?

8 A Yes, ma'am.

9 Q That's fair. We talked a little bit about the
10 computer. And it seems like the computer is the source
11 that you used for the license plate reader system, the
12 place where your body camera footage gets synced to and
13 then uploads, and then the dash camera syncs and gets
14 uploaded to. Is that fair?

15 A Yes, ma'am.

16 Q What else does the computer, the laptop in the
17 car do?

18 A It's our access to TCIC/NCIC. It's our -- you
19 know, shows that -- our access to the CAD or how we can
20 read our calls. It also displays, you know, where
21 everybody's at, where your fellow units are, the map of
22 the County. You know, it also serves as we can do our
23 report writing system or ticket writing system. Pretty
24 much it's the brain.

25 Q Okay. You said a couple of things that I don't

1 understand. What is a CAD?

2 A Oh, I'm sorry, the CAD is the computer.

3 Q So the computer itself is called the CAD?

4 A Yes. It's gone through many different names,
5 but we've always called it the CAD.

6 Q Okay.

7 A I don't know what the CAD means, because that
8 was a term used before I came out. So --

9 Q Okay. So when you're referring to your
10 computer in the patrol vehicle, you say "my CAD"?

11 A Yes.

12 Q You also mentioned that you can see where other
13 officers are located.

14 A Yes, ma'am.

15 Q So if you decided to go meet up with another
16 officer, you wouldn't have to ask them where they were?

17 A No. So, you know, you still ask them where
18 they're at. Sometimes supervisors, you -- sometimes you
19 don't see your supervisor. Like my supervisor -- but
20 that's up to them whether they want to be known or not
21 known. Sometimes you have undercover units, they'll be
22 signed on, but you won't know that they're in a certain
23 area.

24 Q Okay. So can you turn off your location
25 tracking then?

1 A Yes, you can. I've never done it. Because I
2 don't know how. And number two is I don't like messing
3 with that kind of stuff because I don't want it to mess
4 up the computer.

5 Q I understand that. But if an officer knew how
6 to turn off their location tracking thing, they could?

7 A They could.

8 Q You talked a little bit about you can write
9 tickets through --

10 A Yes, ma'am.

11 Q -- your CAD. I guess like the time where an
12 officer would flip out his notebook and write out the
13 ticket by hand is probably long gone. So does that mean
14 that you print the tickets out?

15 A Yes. We have a printer that will print out the
16 citation or warning.

17 Q Okay. So you have a printer in your vehicle
18 that prints out the citation or the warning. I'm just
19 going to call that generally a piece of paper.

20 A Yes, ma'am.

21 Q Okay. And what kinds of searches can you run
22 from your CAD?

23 A Searches as in to --

24 Q Like you pull someone over, you're going to run
25 the checks. What kind of checks do you run?

1 A We're able to do border crossing.

2 Q Border crossing?

3 A Yes. Border crossing, if you have access to
4 the Vigilant database, you can run --

5 Q And that's the license plate database?

6 A The LPR reader, yes. Again, you can run
7 criminal history as far as I run your information,
8 through your driver's license, they can -- if you have a
9 local criminal history for us, we will -- we'll see it.
10 And then of course that's -- and then of course vehicle
11 information. That's really about it.

12 Q Okay. So what I heard from you is border
13 crossing information -- what I heard from you is from the
14 computer you can run border crossing information, the
15 Vigilant license plate reader records, criminal history,
16 and vehicle history. Did I miss anything?

17 A That's -- oh, yeah, that's about it. Well,
18 again, if you need to research, it does have internet
19 access. So I don't know if that does any help.

20 Q So in addition to the border crossing
21 information, the Vigilant license plate reader
22 information, the criminal history and the vehicle
23 history, you have internet access. Do you do other
24 searches?

25 A Only for checking my email and then -- which is

1 the work email -- and then that's it. I think maps.
2 Like if I need a map of like, hey, we're going to this
3 location, can we check this location, things of that
4 nature.

5 Q Okay. So you don't use the internet to --

6 A Not for personal use.

7 Q I understand that.

8 A Yeah.

9 Q But you don't use the internet to like Google
10 someone that you've stopped?

11 A No, ma'am.

12 Q So in terms of checks, the only things that you
13 do are the border information check, the Vigilant license
14 plate reader check, the criminal history check and the
15 vehicle information check?

16 A Yes.

17 Q Okay. But you have access to the internet if
18 you need it for other things?

19 A Yes, as far as work-related information.

20 Q Okay. And what kinds of things -- you talked
21 about work-related information email via the internet
22 access on your computer. What kind of things are you
23 checking for on email on your CAD computer?

24 A My work email, like say, hey, we have -- you
25 have to go to class here, other information being

1 disseminated by admin, supervisors sending you emails.

2 We have a daily bulletin, things of that nature.

3 I signed up with a lot of other training
4 companies, so they'll send me emails that, hey,
5 there's -- they'll advertise, hey, there's training
6 coming to your area, so I can -- if I choose to sign up
7 or -- or I get notified I need to be somewhere, things of
8 that -- like that.

9 A lot of times too we'll get court notices, you
10 know, when to show up for court.

11 Q Okay. So there's a lot that can be in there.
12 You talked a little bit about a daily bulletin. Tell me
13 what that looks like.

14 A Like a daily bulletin you see at work. Like
15 you know, it says, hey, these openings are coming open
16 for these positions. This is -- you have these trainings
17 are coming available. Hey, this person did a good job.
18 Things of that nature.

19 Q So the daily bulletin is not like a daily
20 briefing. It's more a news -- is it fair to say it's
21 more of a news alert for the Sheriff's Office?

22 A Yes, ma'am.

23 Q And you mentioned that you get emails from your
24 supervisor.

25 A Yes, ma'am.

1 Q Can you give me a gist of the range of emails
2 you get from your supervisor?

3 A Did you sign up for this class? Are you doing
4 this? Could you send me this? Could you send me that?
5 What's the information on this? Or what are you doing
6 with that?

7 Q Okay. So the, what I understood you to say is
8 the supervisor might recommend a class or tell you to
9 take a particular class via email; is that correct?

10 A Yes, ma'am.

11 Q And the supervisor might ask you particular
12 information about something that you're working on?

13 A Yes, ma'am.

14 Q Is that fair? Will the supervisor tell you to
15 work on certain things?

16 A They can, yes.

17 Q Can you give me an example?

18 A Can you go monitor Highway 35? Can you monitor
19 this area? We're getting a lot of reports of this going
20 on. Can you go see what you can find?

21 Q And that's all done via email?

22 A It can be via email, he can call it. Just
23 depends on his or her range of how they want to
24 communicate it out.

25 Q Okay. Are -- we talked -- just to go back a

1 second, we talked a little bit about the searches that
2 you do, the border crossing search, the Vigilant reader
3 search, the criminal history search and the vehicle
4 history search. Is there a log that gets created of all
5 the searches that you do?

6 A As far as -- yes, Incident Detail Report will
7 record all of that.

8 Q Okay. Incident Detail Report. So the Incident
9 Detail Report will include everything that you've run on
10 a particular person or a particular vehicle?

11 A As long as it's associated with the -- I
12 believe it's associated with the TCIC/NCIC system.

13 Q And are there times when that, there would be
14 checks that you do that aren't associated with the
15 TCI/NCI system?

16 A If you run it, if you run it through -- because
17 we -- so if I run your license plate, it's always done
18 through TCIC/NCIC. The only time if I use the Vigilant
19 reader is I'm doing research on it. But there's always a
20 time stamp. So it will be at the bottom of the screen,
21 it will tell you something of the nature of last
22 activity -- the activity ran on this date at this time.

23 Q Okay. So when you run the various checks, the
24 TCI -- TCIC? TCIC? Am I saying that right?

25 A Yes, ma'am.

1 Q TCIC/NCIC, that information you'll get the log
2 of what you ran?

3 A Yes.

4 Q But with the license plate reader, you won't
5 necessarily get the log of what you ran together with
6 that?

7 A No, ma'am. I'm not sure if it's recorded.

8 Q Okay.

9 A But I do know that that's the only other thing
10 that we can research on that --

11 Q Sure.

12 A -- as far as that.

13 Q Okay. That's helpful. And is there a log of
14 what you print out? So let's say during a day that
15 you're on duty, you print five warnings. Would there be
16 a way to check all the things that were printed on a
17 particular day?

18 A Yes, ma'am. That would be through the Brazos
19 system.

20 Q Okay. So you can access the Brazos system to
21 see all the tickets that a particular officer printed?

22 A Yes, ma'am, you can. And I believe that's also
23 done through the incident detail -- I don't think it's
24 the Incident Detail Report. It's done on the same
25 system. I don't remember what it's called offhand.

1 Q That's okay. We talked a little bit about
2 calls. Is there like a phone in the patrol car that you
3 use to call?

4 A No, ma'am.

5 Q Do you get a cell phone issued from the
6 Sheriff's Office?

7 A During the time of this incident, I didn't have
8 one.

9 Q Okay. So sometimes the Sheriff's Office issues
10 cell phones?

11 A Yes.

12 Q When does the Sheriff's Office issue cell
13 phones?

14 A Typically when you're part of a special unit.

15 Q Okay. So you just mentioned that you didn't
16 have one on March 16th, 2022. How come?

17 A Because I wasn't issued a County cell phone at
18 the time.

19 Q Okay. So did you use your personal cell phone
20 while you were on duty?

21 A Yes, ma'am.

22 Q And would you call other officers using your
23 personal cell phone while you were on duty then?

24 A Yes, ma'am.

25 Q And did you send -- do you send text messages

1 with officers, other officers when you're on duty?

2 A Yes, ma'am.

3 Q Now that you have a cell phone issued by the
4 Sheriff's Office, do you carry two phones then with you
5 all the time?

6 A Yes, ma'am.

7 Q And at the end of a work day, do you have to
8 currently turn in your Bexar County Sheriff's Office
9 phone?

10 A No, ma'am.

11 Q You take it home?

12 A Yes, ma'am.

13 Q And from your phone, your Bexar -- your
14 County -- your Sheriff's -- from your Sheriff's Office
15 phone now, is there a way that it creates records from
16 that phone?

17 A Yes, ma'am.

18 Q Okay. And do you send those records to the
19 Sheriff's Office?

20 A No, ma'am. We don't -- we don't turn in
21 records like that. If for whatever reason they need it,
22 they can take the phone, they can research the records if
23 they need it.

24 Q Okay. So if they wanted to check your phone,
25 they would take it from you and upload it or whatever?

1 A Yes, ma'am.

2 Q Okay. And have you ever had your Sheriff's
3 Office phone taken to get records off of it?

4 A No, ma'am.

5 Q Okay. And I understood that you just said
6 before you got a phone from the Sheriff's Office you used
7 to use your personal phone at work.

8 A Yes, ma'am.

9 Q And have you ever been asked for text messages
10 from your personal phone for work-related matters?

11 A No, ma'am.

12 Q Okay. I'm sorry, I'm fighting off a cold.

13 Okay. I think that I'd like to talk about
14 traffic stops that you did in your former role as a law
15 enforcement patrol deputy, before you became part of the
16 criminal interdiction unit. So kind of put your criminal
17 interdiction experience to the side and just talk about,
18 you know, your prior experience doing traffic stops.

19 I know, as I've kind of indicated before, that
20 some of my questions might seem a little basic,
21 especially to someone who is experienced in the field.
22 And so I'm going to ask you to bear with me as I ask you
23 like acronyms and to break things down. But ultimately
24 I'm just trying to better understand what your job looks
25 like.

1 And as I understand from what you said earlier,
2 you were a patrol deputy for four years; is that right?

3 A Yes, ma'am.

4 Q And when you were in that position, about how
5 much of your time was spent doing traffic stops? Can you
6 give like a rough estimate? 5 percent? 10 percent?
7 More than 50 percent?

8 A I would say probably -- estimate-wise, maybe 5
9 percent.

10 Q Sure. So like a fraction, a tiny fraction --

11 A Yes, ma'am.

12 Q -- of your daily activities were traffic stops?

13 A Yes, ma'am.

14 Q Okay. And what were the most common traffic
15 offenses that you saw as a patrol deputy?

16 A Speeding, failing to maintain lanes, failure to
17 use turn signals, following too closely, pretty much the
18 same thing I do now.

19 Q Okay.

20 A It could also be -- I'm sorry, also equipment
21 violations, like such as window tint, lights are out, you
22 know, brake lights, things -- things of that nature.

23 Q And those are the traffic violations you saw
24 the most frequently. What would you say you stopped
25 people for most often?

1 A If I saw those.

2 Q Okay.

3 A It would be those.

4 Q And where did most of your stops occur as a
5 patrol deputy?

6 A Where, where I was assigned to. Primarily I
7 was assigned to either -- from Marbach and 1604 all the
8 way down to 281, U.S. Highway 281. And those are three
9 different districts. So it just depends on where they
10 had me assigned that day.

11 Q Okay. So there were three places you were
12 responsible for patrolling at different times and that's
13 where you made your traffic stops?

14 A Yes, ma'am.

15 Q Okay. And just so I'm clear, when you were
16 patrol deputy, what was the purpose of making a traffic
17 stop?

18 A If they made a traffic violation, I stopped
19 them.

20 Q Okay. And can you help me understand that a
21 little bit? I think the easiest place to start is just
22 how you decide to actually make a stop.

23 I think I read somewhere that like the average
24 driver, probably myself included, makes a traffic --
25 commits some kind of traffic violation every 20 minutes.

1 And I'm sure you're on the side of the road. You see
2 lots of different traffic violations. How do you decide
3 an offense is worth pulling someone over?

4 A It's up to, really it's up to the discretion
5 of -- for me, discretion.

6 Q Sure.

7 A If I use my discretion, say, hey, this person
8 was speeding, I'm going to go do a traffic stop.

9 Q Okay. So unpack that for me. Like how do
10 you -- how would you, Deputy Gereb, make the decision
11 that a traffic violation merited making a stop?

12 A Again, discretion. If they're in violation of
13 the Transportation Code, I make a stop based on the
14 Transportation Code and go from there.

15 Q Yeah. So does that mean that every time you
16 saw a traffic violation, if you weren't busy doing
17 something else, you made a stop?

18 A No. Not always.

19 Q Okay. So when you saw a traffic stop -- a
20 traffic violation, when would you choose to make a stop?

21 A Discretionary-wise, if I was a patrolman,
22 sometimes it would be if it was just multiple violations
23 and that it was at this point like, hey, I need to -- I'm
24 going to go stop this person. They're going to hurt
25 somebody. They're going to hurt themselves. Let's go

1 from there and see what's going on.

2 Q So when you were doing the patrol deputy role
3 and you're making traffic stops, you're focused on
4 safety?

5 A Primarily safety, yes.

6 Q And you're making the decision to stop when
7 you're concerned that there's some kind of safety
8 issue --

9 A Yes, ma'am.

10 Q -- is that fair? Can you help me understand
11 what is a -- what's a moving violation?

12 A So it could be failing to maintain lanes,
13 you're swerving in your lane, you're going over the lane
14 markers, they're going -- you're speeding, you're not
15 using your turn signal, you're making an improper turn,
16 you're going too wide on your turn.

17 As long as the vehicle's in movement, then
18 that's a moving violation.

19 Q So then I guess that means that you would
20 characterize things like not having a valid license plate
21 or having like a taillight out as something else?

22 A That would be equipment violation.

23 Q Okay. So if it's something with the car, it's
24 an equipment violation?

25 A Yes, ma'am.

1 Q And if it's something that you do while
2 physically driving, it's a moving violation?

3 A Yes, ma'am.

4 Q Is there any other type of violation that -- am
5 I missing any other category?

6 A No, ma'am.

7 Q So it's either a moving violation or an
8 equipment violation?

9 A Yes, ma'am.

10 Q It seems like there's probably like a range of
11 moving violations, and I'm sure you kind of indicated
12 that you see drivers speeding and weaving, committing
13 maybe a series of multiple moving violations at a time,
14 and then there's situations where someone might fail to
15 signal before making a turn. What kinds of offenses
16 would you characterize as minor moving violations?

17 A All violations are considered minor. It's a
18 Class C citation. It's not a -- it's not necessarily an
19 arrestable offense. It's something that can be used as
20 discretion as a warning or a citation.

21 Q Okay. It also seems like there are moving
22 violations with clear criteria, speed limit is 25 miles
23 per hour, and you're going 40 miles per hour, that is
24 speeding. It also -- but there seems to be violations
25 that are harder to tell, like for instance I think the

1 rule is like you have to signal 100 feet before you
2 change lanes, and if you fail to signal appropriately.
3 How -- how do you evaluate the ones that are failure to
4 signal in enough time?

5 A In that situation, I look at it as okay did
6 they give it -- were they already turning and they
7 activated their signal, or were they already in the lane
8 when they activated their signal? What was their action?

9 If they're -- if it appears that there was
10 enough time to make a proper turn and use the signal and
11 they used the signal properly and they made a proper
12 turn, then that's something, okay, let it go. It's not
13 worth the probable -- there's no probable cause to pull
14 them over.

15 Q Okay. So if you see -- like help me understand
16 that last sentence. If you see a violation, let's say
17 they didn't signal early enough like we were just talking
18 about, why wouldn't there be probable cause if you saw
19 them not -- if you saw a driver who didn't signal, you
20 know, 100 feet before the turn, that seems like it would
21 be a violation.

22 A Yes, ma'am.

23 Q So why wouldn't you have probable cause to pull
24 them over?

25 A I'm sorry. No, I meant, like I said, if there

1 was a significant distance. So if they --

2 Q Okay.

3 A If there was a significant distance and they
4 turned their signal on and took the turn, okay, there's
5 no probable cause --

6 Q Okay.

7 A -- to actually stop them.

8 Q Sure. And how would other factors impact your
9 decision to stop someone? So would time of day, for
10 example, impact your decision to make a traffic stop?

11 A No, ma'am.

12 Q Okay. Would weather impact your decision to
13 make a traffic stop?

14 A Yes. Discretionary. If it's pouring rain out
15 and you're driving 100 miles an hour, then that would be
16 a reason to stop you because it's a safety issue at that
17 point.

18 Q Sure.

19 A But if it's, say, weather and you know, you
20 can't really see the road, then, you know, you're kind of
21 sweeping over, then at that point, also stop them for
22 safety, just give them a warning, "Hey, be careful."

23 But if it's just weather-based and, you know,
24 there's nothing really going on, there's nothing --
25 nobody's committing any violations, I'm not going to stop

1 somebody.

2 Q Okay. And we talked just a little bit about
3 time of day, and you said that doesn't impact the
4 decision to stop. But I would assume that like at 2:15
5 a.m., when all the bars close, you might stop people for
6 things that you wouldn't necessarily stop them for at
7 noon. Is that fair?

8 A No, ma'am.

9 Q Or am I incorrect? Feel free to like disagree
10 with me.

11 A No, ma'am. When I was assigned to patrol, I
12 worked the midday part of the day. So either from 2:00
13 or 3:00 p.m. to 10:00 or 11:00 o'clock at night.

14 Q Okay.

15 A And so if it was at high noon or --

16 Q You weren't doing the bar closing shift?

17 A I have done DWIs.

18 Q Okay.

19 A I did -- I volunteered to do the STEP program,
20 which was a state granted program --

21 Q Sure.

22 A -- for traffic. I liked doing DWIs. Again, I
23 was trying to get into the DWI unit, so I would go out
24 and volunteer so that way I could do traffic violations.

25 Q Uh-huh.

1 A What I've noticed from during the day -- and
2 I've worked all times of the day, probably 24 hours
3 around the clock, I've worked every single -- probably
4 every single hour. The same violations are the same all
5 the way around. There's no difference.

6 Q Okay. So you see the same violations at every
7 time of day?

8 A Yes, ma'am.

9 Q Okay. What about other factors in deciding to
10 make a traffic stop for a minor -- for a moving
11 violation? Would you say that you would make a traffic
12 stop of a Mercedes-Benz the same as you would make of a,
13 like jalopy-looking pickup truck?

14 A No, ma'am.

15 Q So you wouldn't -- like your traffic
16 enforcement, as a law enforcement patrol deputy, didn't
17 change based on the type of car?

18 A No, ma'am.

19 Q When you were a patrol deputy, you told me that
20 you exercised your discretion to make traffic stops. Is
21 that fair?

22 A Yes, ma'am.

23 Q And you told me that you were proactive, and
24 only proactive patrol deputies really were out there
25 making traffic stops. Is that fair?

1 A Yes, ma'am.

2 Q And so if you're -- at least when you were a
3 patrol deputy, no one was required to make traffic stops.

4 A No, ma'am.

5 Q Okay. And because you were proactive and made
6 traffic stops, did you get recognized for that?

7 A No, ma'am.

8 Q No one ever said, "Deputy Gereb, thank you for,
9 you know, devoting that extra 5 percent of your time to
10 making the streets safer"?

11 A No, ma'am.

12 Q Okay. Anybody need a break?

13 A I'm good.

14 Q Okay. Did you -- we talked about the fact that
15 you didn't necessarily get any praise for going out of
16 your way to work harder. Did anybody ever evaluate how
17 you were conducting traffic stops? And here's what I
18 mean by that. Did anyone ever ride along with you and
19 say you're spotting traffic violations correctly?

20 A No, ma'am.

21 Q Okay. So how did you learn how to spot a
22 traffic violation?

23 A Through -- through FTO, field training officer.

24 Q FTO.

25 A Or as we -- that's the standard term. The

1 Bexar County Sheriff's Office calls it a Patrol Training
2 Officer. PTO or FTO.

3 Q Is that a particular training that you take?

4 A That they took, yes.

5 Q I don't understand. I'm sorry.

6 A So to become a training officer, a recognized
7 training officer, you go through a course.

8 Q Okay.

9 A I have never taken it -- I took it once, but
10 that was in the jail.

11 Q Okay.

12 A But I never actually trained anybody on that.
13 But they ride along with them, they show you how to
14 recognize traffic, they show you how to enforce traffic
15 law. There is one week, at the time when I went through
16 the PTO process, that we are, we were required to ride
17 out with the DWI unit. And at that time they showed us
18 how to enforce DWI and traffic law.

19 Q Okay. So let me make sure I understood that.
20 When you were -- before you became a patrol deputy, you
21 did a training with a certified instructor who rode along
22 with you?

23 A Yes. It's not a certified instructor -- oh,
24 for the PTO phase, yes.

25 Q PTO. Help me understand what PTO stands for.

1 A Patrol Training Officer.

2 Q Okay. Patrol Training Officer.

3 A For the PTO process, yes.

4 Q Okay.

5 A You are assigned to a person for a certain
6 amount of time, and then you guys ride out together. And
7 they tell you, you know, this is what you're doing with
8 this call. This is -- you know, they train you how to be
9 a patrolman. Then during that time frame, we were
10 assigned one week that we rode out with the traffic unit
11 for doing the DWI process.

12 Q Okay. So when you were getting trained as a
13 patrol officer, you did a period of time with the patrol
14 training officer where you rode along?

15 A Yes.

16 Q About how long was that?

17 A 15 weeks.

18 Q Long period of time. Okay. And then you did a
19 single week with the DWI unit you rode along with them?

20 A Yes, ma'am.

21 Q Am I understanding that correctly?

22 A Yes, ma'am.

23 Q And when you rode along with the DWI unit, you
24 were focused on learning about the DWI enforcement
25 process --

1 A Yes, ma'am.

2 Q -- is that fair? Was there ever a separate
3 process for learning about just traffic violations in
4 general?

5 A You're taught that when you go through the --
6 you're getting your peace officer's license, you are
7 taught through Transportation Code. And then with the
8 Sheriff's, with the Bexar County Sheriff's Office, to
9 come out to patrol, you have to go back through a patrol
10 academy, which is, at the time for me was another 15
11 weeks. So we did the 15 weeks of patrol training.

12 Q Uh-huh.

13 A Then did another 15 weeks with a patrol
14 training officer.

15 Q Okay. So there's the classroom component for
16 15 weeks.

17 A Yes, ma'am.

18 Q Am I understanding that correctly? And then
19 there's the field component with a patrol training
20 officer that you ride along with.

21 A Yes, ma'am.

22 Q Is that fair?

23 A Yes, ma'am.

24 Q Okay. Did you ever make a traffic stop or pull
25 someone over -- I guess, did you ever pull someone over

1 if you weren't certain there was a traffic violation?

2 Maybe you just wanted to ask them what was going on.

3 A No, ma'am.

4 Q Okay.

5 A This is me personally, I like multiple
6 violations.

7 Q Yeah.

8 A So if there's -- if I pull you over, there's no
9 doubt that you did commit a traffic violation.

10 Q Okay. So you personally, you're going to pull
11 someone over if there are multiple traffic violations.

12 I'll give you a really good story. When I was
13 in high school, the only time I've really been pulled
14 over, I got pulled over, and I was pulled over because my
15 scarf had gotten stuck in the door, and I was driving
16 along and it was flapping in the wind.

17 And I was terrified, right? I was a kid. I
18 was terrified when the police officer pulled me over. I
19 was freaking out, started crying already because I didn't
20 know what was going on. He just wanted to tell me that
21 my scarf was flapping in the door, which was really kind
22 of him.

23 And so that was like an example. He obviously
24 made a stop. There was no -- I guess maybe there's a
25 minor -- that might be an equipment failure, given my

1 flapping scarf. So would that be a traffic violation?

2 A That would be considered assist the public.

3 Q Okay. So that would be an assist the public.

4 So if you stop someone, looks like their kid is having a
5 meltdown in the back seat or their hazards are stuck on
6 or something like that, you would classify that as not a
7 traffic stop?

8 A No. If -- me personally, if I see like, hey,
9 your gas tank cap is hanging out from your thing, I'll
10 pull up next to you, honk the horn like, hey, your thing
11 is open. Your -- you know, or I'll let them know, like
12 hey, you got a flat tire. And if they need assistance
13 from that point, then I will go from that point.

14 Q Okay.

15 A But I'm not going to pull you -- me personally,
16 I won't pull you over unless I have those multiple
17 violations.

18 Now, if there's -- I'm not going to say I
19 haven't done it where I've done a single violation, but
20 me personally, I like multiple.

21 Q Okay. Can we talk a little bit about like
22 after the car is stopped and conducting the rest of the
23 stop? And I want to learn more of like the typical
24 process for when you were a patrol deputy of how you went
25 through things.

1 Let's say that you pulled over a red Toyota,
2 and you determined that this red Toyota didn't signal
3 early enough before changing lanes like we were kind of
4 talking about before. You turn on your lights, and you
5 pull the Toyota over. And like both cars are stopped
6 safely on the side of the road. What do you do next?

7 A Well, I exit my patrol vehicle, and then I
8 would take the safest route to approach the vehicle. If
9 there's room on the, like on the sidewalk or a shoulder,
10 then I'll approach them on the passenger's side. And
11 then I'll just -- I'll make contact with the -- well,
12 first, I'll observe the vehicle, see what's going on, any
13 extra movement, any, anything like that. You know, just
14 for safety. Make sure they're not trying to grab
15 something that might harm me.

16 Walk up to the vehicle, let them know, "Hey,
17 I'm Deputy Gereb with the Bexar County Sheriff's Office.
18 This is the reason I'm stopping you. Can I get your
19 driver's license and proof of insurance?"

20 Q Okay. Before you get out of the vehicle, do
21 you have to do anything with your computer or run
22 anything at that time?

23 A Yes. So what we'll do is we'll put the license
24 plate in, or if we get time -- me personally, I rush
25 myself. I will already have run your license plate or --

1 and then I'll just press the traffic, that I'm doing a
2 traffic stop.

3 Q Okay. So help me unpack that.

4 A So if I've made the decision -- you can run
5 information without initiating a call. So --

6 Q Okay. So you can just run someone's like
7 plate --

8 A Yes.

9 Q -- before you, you know, say "I'm making a
10 stop"?

11 A Yes.

12 Q Okay.

13 A It's -- license plates are public information.

14 Q Okay.

15 A So you can run like Tahoe -- my patrol vehicle,
16 you can run my personal vehicle, and it's public
17 information.

18 Q Okay.

19 A So if I deem that there's a reason to stop you,
20 then I already have your plate ran, and I'll just
21 initiate a call -- a call or an officer initiated a call
22 by activating -- you know, there's an option for a
23 traffic stop.

24 Q Okay. So let me make sure I understand this.
25 You have already usually entered the person's license

1 plate number into your system, and then when you are
2 stopped safely on the side of the road, you just hit a
3 button that says "activate the traffic stop" or "make the
4 traffic stop"?

5 A Before I stop you, I'll activate my lights, and
6 then I'm activating the traffic stop on the computer at
7 the same -- after I do that.

8 Q Okay. So the first step is you activate your
9 lights?

10 A Yes.

11 Q The second step is?

12 A I'll activate my, my -- the call.

13 Q Okay. So you hit the traffic stop button?

14 A Yes.

15 Q Okay.

16 A And then I'll pull over. The reason I like
17 to -- the reason I prefer to do it in that order is
18 because the cameras start rolling.

19 Q Okay. That makes sense to me.

20 And so before -- so backing up a little bit,
21 that means before you get out to approach in the safest
22 manner, you've already run the license plate.

23 A Yes. And the reason I do that is, one, I get
24 the information. Two is that -- one, I'm not making the
25 mistake of pulling -- with the license plate, because

1 sometimes we'll run a plate and if you get one digit off,
2 that might say the car is stolen and it's not, and it's
3 one digit wrong.

4 Q Okay.

5 A Number two is that car decides they want to
6 evade from police in that vehicle, then I have that
7 vehicle's information. And if it meets the criteria for
8 a vehicle pursuit, then we'll go from there. If it
9 doesn't meet the criteria for pursuit, I can still put
10 down that that vehicle evaded from police, and I can
11 write up a case against that vehicle.

12 Q Okay. So I understand the pursuit part. Can
13 you back up a little bit about the piece where one digit
14 might be off?

15 A Yes, ma'am.

16 Q So you're driving, you're trying to input the
17 license plate number in, and I can easily see like you
18 missed the 4 and you meant to hit the 5.

19 A Yes. Or you can see like an 8 instead of a B.

20 Q Okay.

21 A Or a W might be an N or an M.

22 Q Okay.

23 A So it could be similar letters. Like K looks
24 like an X in the State of Texas.

25 Q I can see that.

1 A So it's -- so it could be the misreading of a
2 license plate.

3 Q Okay.

4 A So I like to make sure I'm pulling over the
5 right vehicle. Because again, if that vehicle takes off,
6 if the vehicle does that, then I have information on the
7 vehicle already.

8 Q So when you're entering it, you like double
9 check to make sure this license plate matches what I've
10 just input?

11 A Yes, ma'am.

12 Q And then you have it all set up so that by the
13 time that you turn on your lights and you hit the main
14 traffic stop, everything's kind of pre-going?

15 A Yes, ma'am.

16 Q Okay. And then you get out.

17 A Yes, ma'am.

18 Q Is that fair? Well, actually, before you get
19 out, do you tell anybody that you made a traffic stop?

20 A No, ma'am. So the -- the -- when we initiate a
21 call, whether it's any type of officer initiated
22 activity, it will automatically go to dispatch. And
23 dispatch is to identify that, hey, so-and-so, I see
24 you're on a traffic stop. And then that's it. Then
25 because traffic stops are officer initiated, there is a

1 certain amount of time that we have to let them know that
2 we are okay. So we can either do it by the radio, or
3 there's a button in there called -- that says "secure,"
4 and we can press that and let's them know, hey, this guy
5 is okay and we don't have to alert everybody and their
6 mom to try to come out and save them.

7 Q Okay. So if you don't -- if you don't like let
8 everybody know that you're okay, and it's just silent,
9 they might come looking for you?

10 A Yes, ma'am.

11 Q Okay.

12 A And they'll send out an alert.

13 Q Okay. It will?

14 A Yes.

15 Q How long do you have before it sends out an
16 alert?

17 A Initially, I believe it's two or three minutes.

18 Q Okay.

19 A They'll say, "Hey, you know, I am" -- "I'm
20 secure." Or if they haven't done that, they'll call your
21 call sign and they'll say, "Are you secure?" If you
22 haven't responded, they'll call it again, "Are you
23 secure?" After the third time, if you have not let them
24 know that you're okay or you haven't secured yourself on
25 the computer, they will tone -- do what we call tone out.

1 They'll let everybody know, like, "Hey, he might be in
2 trouble. You need to get over there."

3 Q Okay. That's really helpful.

4 So generally, you're required to let everybody
5 know within a certain time that you're secure.

6 A Yes, ma'am.

7 Q Once the driver handed you -- you came over,
8 you walked over in a safe manner. You asked the driver
9 for the license, I guess --

10 A Yes, ma'am.

11 Q -- is the next step. Is that fair?

12 A No, we go up -- we identify ourselves.

13 Q Okay.

14 A "Hey, I'm so-and-so with the Bexar County
15 Sheriff's Office. The reason I'm stopping you today is
16 for speeding," or whatever the offenses are. "Can I get
17 your license and proof of insurance?"

18 Q Okay. So you -- and you get both of those.

19 After the driver hands those things over to
20 you, hands over their license and their proof of
21 insurance, about how long on average would it take you to
22 finish the rest of the stop?

23 A It really depends on the first interaction.

24 Q Okay.

25 A For me it does. If I see something, behavior

1 traits or --

2 Q Sure.

3 A -- I feel like there's some type of activity,
4 criminal activity going on, then I'll extend from there.

5 Q Okay. And so assuming that like there's
6 nothing suspicious, nothing raises your spidey sense,
7 nothing untoward happens, on average how long would a
8 like generic traffic stop take?

9 A For me, 10 to 15 minutes.

10 Q 10 to 15 minutes. Okay. And how would you
11 decide whether to give a warning or an official ticket?
12 What do you call an official ticket?

13 A Citation.

14 Q Okay. So how do you decide to give a warning
15 or a citation?

16 A Again, it's discretion.

17 Q Okay.

18 A If I have multiple offenses and your,
19 everything's just not good with your vehicle, or good
20 with your -- you don't have a driver's license, things of
21 that nature, I'll use my discretion to say, okay, I'm
22 going to give you a citation for this, and this is what
23 you're receiving a citation for.

24 Q Okay.

25 A Then I go from there.

1 Q And when, when do you usually make the decision
2 whether to give out a warning or a citation?

3 A Usually when I get back to my patrol vehicle.

4 Q Okay. So when you return to the patrol
5 vehicle, maybe based on your interaction with the driver
6 you make a decision of what they're going to get --

7 A Yes, ma'am.

8 Q -- is that fair? Okay. And what percentage of
9 the time would you say you give someone a warning?

10 A I would say primarily I give more warnings than
11 I do citations.

12 Q Okay. So more than 50 percent warnings? More
13 than 90 percent warnings?

14 A I try to do -- I try to do, like I say, 40/60.

15 Q Okay. So 40 percent --

16 A Citations.

17 Q -- citations, 60 percent warnings?

18 A Yes, ma'am.

19 Q Okay. Once the driver hands over their license
20 to you, about how -- about how long does it take you to
21 check the license and run all the checks that you need to
22 with the insurance and the license?

23 A Probably a couple minutes.

24 Q So you said the whole stop takes you 10 to 15,
25 probably somewhere around 10?

1 A Yeah. So with Texas driver's licenses, or IDs,
2 it will come back if they've ever been given a citation
3 before, when it was, if their license was suspended or
4 invalid. It will show us when it was and when it's due
5 to renew or be reinstated.

6 Q Okay. So it sounds like you just type in the
7 driver's license number into your CAD and the like
8 information on the license plate comes back?

9 A Yes, ma'am.

10 Q And is that pretty quick?

11 A Yes, ma'am.

12 Q About how long would that take?

13 A I would say 5 to 10 seconds.

14 Q Okay. So it's not like a, oh, the computer is
15 loading?

16 A Sometimes it could be if there's an issue, you
17 know, a bigger issue, like if there's internet issues or
18 network issues, then it will take, sometimes it will take
19 a little longer. But for the most part, no, it's usually
20 5 to 10 seconds.

21 Q And when you say it takes a little longer, like
22 maybe one minute or two versus like a couple seconds. Is
23 that fair?

24 A It could be a minute or two. It just depends
25 on if there's a, what they call CAD issues, there's a

1 service issue.

2 Q Okay.

3 A The network's being uploaded or something's
4 going on with the network itself. Not anything in
5 particular we're doing. It's just something like a
6 bigger, broader issue.

7 Q Like the AT&T outage that we just had.

8 A Yes, ma'am.

9 Q So if there was some kind of outage. And if
10 there was some kind of computer issue, network issue, how
11 would that be recorded? Would that be on, somewhere on
12 the system or it would just be like it took 10 minutes
13 for the computer to load?

14 A It will give you a time stamp --

15 Q Okay.

16 A -- when you get your return.

17 Q Okay.

18 A Or when you -- I believe it's when you
19 researched it and when you got your return. And then
20 again, if there's no -- if we're having issues with the
21 network itself --

22 Q Sure.

23 A -- just write out your warning or citation,
24 print it out, and you can hand it back to them.

25 Q Okay. So walk me through this a little bit.

1 And we're going to take a couple steps back. You, you
2 know, ran the check on the license plate. You turned on
3 your lights. You had them make the stop. You checked to
4 make sure everything's safe. You indicate that you're
5 secure.

6 A Uh-huh.

7 Q You get out of the patrol vehicle. You walk
8 around to either the driver's side or the passenger's
9 side, depending on which one's safer. Is that fair?

10 A Yes, ma'am.

11 Q The next step is you identify yourself. Is
12 that correct?

13 A Yes, ma'am.

14 Q And then you ask for their information?

15 A Well, we notify them the reasons for the stop.

16 Q Okay. Thanks. So you identify yourself, you
17 notify them for the reason for the stop, and then you ask
18 them --

19 A Yes, ma'am.

20 Q -- for their information. Is that all fair?

21 A Yes, ma'am.

22 Q And then you took the driver's license and
23 insurance information back to your patrol vehicle --

24 A Yes, ma'am.

25 Q -- to run the information. Is that fair?

1 A Yes, ma'am.

2 Q And then you decide whether to give a warning
3 or a citation.

4 A Yes, ma'am.

5 Q And then what do you do next?

6 A I walk back to the vehicle, and I'll return
7 their information. If they get a citation, I'll explain
8 to them what it is. If I can, I'll circle the
9 information, where they need to go to court, when the
10 court date is, how to contact the court, which is all
11 listed on our citations, and what times, phone numbers,
12 anything of that nature.

13 Q Okay. And after you've kind of gone over the,
14 either the warning or the citation with the driver, what
15 happens next?

16 A If there's -- once I've handed all that back, I
17 tell them, you know, drive safe, have a good day.

18 Q Okay. And when you were a patrol deputy, did
19 you have to do anything else to end the stop?

20 A We typically put in, well, whatever our actions
21 were on the -- they get what's called a key card, which
22 basically acknowledges that you're on a call. And you'll
23 put down, you know, what we did, a citation or warning,
24 body camera available, and then we'll clear -- we'll do
25 what they call clearing out the call, and then we'll go

1 to -- there's a button that says -- I want to say it's
2 primary -- primary. We'll click it and we'll put down --
3 click the button that says citation, and -- or then what
4 we'll do, it will give us an option of citation or
5 warning issued, and whatever we chose to do, that will be
6 it for the call.

7 Q Okay. So let me make sure I understood that.
8 So after you say, "Have a nice day," you let them drive
9 off.

10 A Yes, ma'am.

11 Q Is that fair? And then you go back to your
12 vehicle?

13 A Yes, ma'am.

14 Q And then what I understood you do is you did
15 like a bunch of clean-up items and follow-up items to end
16 the stop. Is that fair?

17 A Yes, ma'am.

18 Q And you mentioned key card notes?

19 A Yes.

20 Q Can you explain to me what those are?

21 A Just what you did. So it could be.

22 Q Type in your computer, here's what I just did?

23 A Yeah. So when we clear out a call, we'll put
24 down DAR, Daily Activity Report. OIA for Officer
25 Initiated Activity. Traffic stop, warning or citation,

1 whatever we put. And then I'll go to -- I'll press
2 enter, and then I'll put down -- to go to the next line,
3 I put BWC, which is Body Worn Camera available.

4 Q Okay.

5 A And then clear it out.

6 Q And what do you mean by clear it out?

7 A Close out the call. Like I said, go to that
8 Primary -- I think it says Primary Available, and then
9 we'll go --

10 Q So like the unit is now available?

11 A Yes.

12 Q Okay. I get it. That was super helpful. So
13 to close out the call, you just basically turn your, your
14 taxicab light back on, "I'm available" --

15 A Yes.

16 Q -- "for another call." Okay. When you were
17 making stops as a patrol deputy, did you ever ask the
18 driver to step out of the vehicle?

19 A Yes, ma'am.

20 Q And what would prompt you to ask a driver to
21 step out of the vehicle?

22 A Based on if I, if I smelled any kind of,
23 anything going on, like primary -- like plain view, or if
24 I smelled like say marijuana in the vehicle. And then
25 I'd ask them to -- if I observed their behavior and they

1 appear to be like extremely nervous, depending on what
2 the behavior is, if they've been drinking, you know, I'll
3 have them get out of the vehicle. If they didn't have a
4 driver's license, I'll have them come to the rear of the
5 vehicle and we'll address it from there.

6 Q Okay. And what would you -- you see something
7 in plain view, you see marijuana, you smell marijuana,
8 you see like their behavior as extremely nervous or you
9 can tell -- smell alcohol, if they've been drinking, or
10 they didn't have a driver's license. Those are the
11 examples you gave me, and I'm sure there may be more.
12 What do you do next? Where would you have the driver
13 step out to?

14 A So at times, when I -- typically, I would have
15 them stand between their vehicle and my patrol vehicle.
16 If they were next to a sidewalk, I would stand on the
17 sidewalk. When I was working with Deputy Babb, we would
18 do right seat interviews.

19 Q Okay.

20 A They sometimes would have them sit inside the
21 vehicle.

22 Q Okay. So did you work, you just mentioned --
23 we were talking about your patrol deputy experience.

24 A Yeah.

25 Q Did you work with Deputy Babb when you were --

1 as a patrol deputy?

2 A No, ma'am. He worked on the east side. I
3 worked the west side.

4 Q Okay. So you didn't work with Deputy Babb when
5 you were doing patrol work.

6 A No, ma'am.

7 Q Okay. So focusing on your --

8 A Patrol days.

9 Q -- patrol work --

10 A Okay.

11 Q Yeah, your patrol days --

12 THE REPORTER: Okay. Could y'all slow down?
13 And you're kind of talking over each other.

14 THE WITNESS: Oh, I apologize.

15 MS. HEBERT: Thank you, Molly. Sorry. I
16 apologize.

17 Q (By Ms. Hebert) I know this is not like
18 necessarily a natural conversation, because Molly has to
19 record everything. So my apologies. I also tend to
20 interrupt people once I understand what they're trying to
21 say. So my apologies.

22 We were talking about when you ask people to
23 get out of their vehicle or you told people to get out of
24 their vehicle. As a patrol deputy, when you told people
25 to get out of their vehicle, you just indicated that you

1 had them stand behind the patrol car or on the sidewalk.
2 Is that fair?

3 A No. Behind their vehicle, so there's an area
4 between --

5 Q Oh, behind their vehicle and between the
6 patrol --

7 A Yes. Or if I can have them stand safely on the
8 side of the road or on the sidewalk, then that's what I
9 would do.

10 Q Okay. When you were a patrol deputy, how often
11 would you have someone come sit in your patrol car?

12 A Never.

13 Q Why is that?

14 A I had never done it before.

15 Q Okay.

16 A I wasn't -- I wasn't versed in how that works.

17 Q Sure. And when you were a patrol deputy, did
18 you ever search a car?

19 A Yes, ma'am.

20 Q And what would cause you to search a car?

21 A Reasonable suspicion.

22 Q Okay. Unpack that for me. What do you mean by
23 reasonable suspicion?

24 A It could be the odor of marijuana, it could be
25 someone's -- I'm sorry, reasonable suspicion, if I had --

1 if I've been proactive about it, you know, if I had some
2 type of reasonable suspicion that got me into the
3 vehicle, or they give you consent.

4 Q Okay.

5 A Or if I was inventorying the vehicle.

6 Q Okay. So the three reasons you would search a
7 vehicle, if you got consent, there is a reasonable
8 suspicion of a crime?

9 A Yes, ma'am.

10 Q And then the last one, you said inventory a
11 vehicle?

12 A Inventory search of a vehicle, yes.

13 Q Okay. So let's talk about consent. When would
14 you ask for consent to search a vehicle?

15 A I would ask for consent when I had reasonable
16 suspicion that something was going on.

17 Q Okay.

18 A And usually, if I didn't feel like something
19 was going on, then I didn't search the vehicle. I didn't
20 bother asking. And I'm the same way about if I have
21 somebody step out of the vehicle.

22 Q All right. Help me understand what you mean
23 about the same way about stepping someone out of the
24 vehicle.

25 A So if, like I said -- well, let me go back

1 here. If you don't have a driver's license, I'm going to
2 have you step out anyway. That's because you are
3 technically not supposed to be behind the wheel. But if
4 it's just a, your -- everything's checking out,
5 everything looks okay, then I'm just going to go ahead
6 and get you on your way.

7 But if I have that reasonable suspicion that
8 something's -- that the driver is up to something, or if
9 he has other occupants, if there's something else going
10 on in the vehicle, then I'm going to go from there.

11 Q Okay. When you say "go from there," what do
12 you mean? What would you do next?

13 A I'll have the driver step out, walk to a safe
14 area, and then we'll go -- we'll have our interaction
15 there, you know, interview them on the side of the road.

16 Q Okay. And what would that interview look like?

17 A "Where are you going? Where are you coming
18 from?"

19 Get to the side of the -- get their story. You
20 know, "Hey, I'm going to my friend's house over here."

21 "Okay. Where are you going to after that?"

22 "Oh, I'm going to this."

23 And then "Where are you coming from now?" Who
24 are the people, if they have multiple passengers in the
25 vehicle, or a passenger in the vehicle, who is this

1 relation to you.

2 Q Okay.

3 A So just really go from -- contact can go from
4 simple interaction to, you know, a huge area. Just a lot
5 goes on.

6 Q Okay. So help me understand, why do you tell
7 the driver to get out of the vehicle? Like why not have
8 the interview where you're talking to them through the
9 car? Just curious?

10 A Because if there's people in the -- if there's
11 multiple people in the vehicle, I'd rather have them step
12 out. And if there is someone in that vehicle that might
13 be up to no good, then I want him -- I want to keep them
14 separated.

15 Q Okay.

16 A And then I want to keep stories separated as
17 well.

18 Q Okay.

19 A So if, if there are just two people, passenger,
20 driver, I want to know what he's talking -- what his
21 story is and what that passenger's story is.

22 Q So what about when there's only one person in
23 the car?

24 A If there's only one person in the car, again,
25 behavior. Sometimes I've done it in the car as well. It

1 really just depends on the area surrounding, behavior.
2 If there is someone in the vehicle and I still have -- if
3 I feel that I'm going to do a search based on reasonable
4 suspicion, then I'm going to have them step out because I
5 don't want them in the vehicle with me. And then on top
6 of that, if they have a weapon of some type, you know,
7 officer safety dictates as well.

8 Q Okay. I think that you said if you have
9 reasonable suspicion, you're going to ask for consent.
10 Is that fair?

11 A Yes.

12 Q Does that mean you always ask for consent
13 before you search the vehicle?

14 A I typically do, because it still shows that I'm
15 trying to work with this person as well.

16 Q Okay. Do you ever ask for consent if you don't
17 have reasonable suspicion?

18 A No.

19 Q Okay. And what happens -- when you were a
20 patrol deputy, would people ever say no?

21 A There are some that would be -- that would
22 challenge it. And then again, I also look at too is what
23 is the totality of everything. What is it -- is this
24 really worth going down this road. What is this
25 person -- you know, what is this person -- if they're

1 just saying, "No, I don't want to," then okay. But if
2 they are instructed to, then yes, they are required to
3 step out.

4 Q Okay. I'm going to just take a step back
5 there. So it seems like your default, just Deputy
6 Gereb's practice, is to always ask for consent if you're
7 thinking that you need to search the vehicle. Is that
8 fair?

9 A Yes, ma'am.

10 Q And then if they say no, sometimes you let them
11 go, as a patrol deputy?

12 A If my reasonable suspicion is there, then yes,
13 I will, I will go -- will go beyond that. Meaning that,
14 okay, you're telling me no. Okay. You know, based on
15 one of the interview questions I do ask, based on the
16 reactions to certain questions, then -- whether it will
17 dictate, okay, then I'm going to cut them loose, let them
18 be on their way, or I'm going to request a canine.

19 Q Okay. So I think that's fair. So if they say
20 no to consent to a search, you're going to do some
21 additional investigation. Is that fair?

22 A Due to when I get to the point of the search,
23 I've already asked the questions that I needed to ask.

24 Q Okay.

25 A And at that point, it's their reaction to my

1 questions that, that will allow me to dictate whether I'm
2 going to ask to search the vehicle or if I need to go
3 further with the stop.

4 Q Okay. So you're either going to ask for
5 consent to search the vehicle or you're going to do
6 something else?

7 A If it's required, yes.

8 Q And what do those other required things look
9 like?

10 A Well, if they say no, then I will request a
11 canine, if I feel that it's warranted for that situation.

12 Q Okay. If they've said no, you feel like you
13 still have reasonable suspicion to search the vehicle,
14 would you ever not call the canine and just go to the
15 search directly?

16 A No, ma'am.

17 Q Okay. So the normal practice, as patrol
18 deputy, was ask for consent to search. If they say no
19 and you feel like you still have reasonable suspicion,
20 you call the canine to sniff the vehicle; is that
21 correct?

22 A Yes, ma'am.

23 Q Okay. And about how many times as a patrol
24 deputy did you call for a canine?

25 A Very rarely.

1 Q Okay.

2 A I would say maybe, if I did 100 traffic stops,
3 maybe five.

4 Q Okay. So five -- maybe five percent of the
5 traffic stops that you did you called for a canine. And
6 were canine units always available when you called?

7 A No, ma'am.

8 Q So sometimes they would say sorry, there's no
9 canine unit available?

10 A They would say no canine available or -- I look
11 at the distance too. If the distance -- if they're on
12 the other side of the county, there's -- there's no way.
13 I'm not going to -- I'm not going to have someone come
14 out. I'll see if there's -- if our canines are not
15 available --

16 Q Like "our" being the Sheriff's Office?

17 A If the Sheriff's Office canines are not
18 available, I'll see if San Antonio Police Department has
19 one available or any of the municipalities might have one
20 available.

21 Q Okay. So how do you -- you're thinking you're
22 going to call for a canine. How do you call for a
23 canine?

24 A I get on the, the radio.

25 Q Okay.

1 A And I'll ask dispatch, "Do we have a canine
2 available to come out and do a sniff?"

3 Q Okay. And if they say yes, they have a canine
4 available, how do you check the distance?

5 A I go to the map and see where they're at.

6 Q Okay. So the map that we talked about before
7 on the CAD pops up with their locations?

8 A Yes, ma'am.

9 Q And as a general rule of thumb, what would be
10 too far?

11 A Well, for me -- Bexar County is a big county.
12 If you're -- if I'm all the way on Highway 90 going out
13 towards Castroville, at the county line, and you're all
14 the way over on the northeast side, where there's high
15 traffic and stuff like that, you know, I'll take into
16 consideration, you know, hey, do -- how long, you know,
17 will this person take to get here.

18 Q Okay.

19 A But sometimes too -- I've been known to call,
20 "Hey, man, how long are you out? I don't want to have
21 you come all the way over here, and we" -- you know,
22 basically just, just takes too long.

23 Q Okay.

24 A And they'll let me know.

25 Q And if it would have taken too long, let's say

1 they're on the other side of the county and it would
2 require them to go through traffic, what would you do?

3 A I'd cut that person loose.

4 Q Okay.

5 A Again, it comes to the point of how long is too
6 long. How long are we going to take with this stop.

7 Q Do you have a rule of thumb what is too long?

8 A No. I look at -- yes and no. If you're
9 pushing 30 minutes, then that's way too long, for me
10 personally. I don't think there's -- for me, again,
11 there's no reason for me to hold you that long.

12 Q Sure. I understand. Okay. Let's say that,
13 you know, you've decided it wasn't too long to wait and
14 the canine unit arrives, what would happen next?

15 A So --

16 Q When you were a patrol deputy.

17 A So if I didn't have you in the back seat of my
18 vehicle, if there's no detention or anything like that, I
19 would have you stand off to the side. I let them know,
20 "Hey, these dogs are, you know, they're canines, and
21 they're going to do a drug sniff. We're going to have
22 you create some distance for safety." The last thing we
23 want is that, one, is the dog to turn around and bite
24 someone unintentionally, or the driver or the owner of
25 the vehicle interfere with the dog.

1 Q Okay. And what would, what would the canine
2 unit then do? After you've separated the driver from the
3 vehicle, what would happen next?

4 A What I've seen -- I've seen them go and ask
5 them -- you know, they ask their questions.

6 Q Ask their questions?

7 A Either consent or let them know, "Hey, I'm
8 going to" -- let them know what their instructions of
9 what they're going to do beforehand. And then they, they
10 have the dog come out and the dog does -- does whatever
11 they're instructed to do.

12 Q Okay. So let me just make sure, because you
13 use "they." So the --

14 A The canine deputy.

15 Q The canine deputy will talk to the driver and
16 ask some questions, or the canine deputy will talk to you
17 and ask some questions?

18 A He'll do both.

19 Q Okay. So the canine officer will probably talk
20 to you, and then he or she will go talk to the driver?

21 A Yes.

22 Q Is that fair? And how often would you estimate
23 that a canine would have alerted, when you were a patrol
24 deputy?

25 A I couldn't tell you offhand. I couldn't tell

1 you offhand.

2 Q That's okay. Would you say more times than not
3 they alerted?

4 A I would say more times.

5 Q And so probably some greater majority was an
6 alert?

7 A Yes, ma'am.

8 Q Okay. When you were a patrol deputy, did you
9 search the car by yourself?

10 A Yes, ma'am.

11 Q And so let's say that you had reasonable
12 suspicion that there was something going on and you
13 decided to search the vehicle, is there a situation like
14 that where you wouldn't call a canine at all?

15 A I didn't --

16 Q Yeah, sorry, that wasn't super clear. Would
17 you stop someone and search their vehicle without calling
18 a canine if it wasn't an inventory search?

19 A Yes, ma'am.

20 Q Okay. So you could skip over the canine step
21 if you felt like you had enough reason to search straight
22 away?

23 A Yes, ma'am.

24 Q And would you search by yourself, no other
25 officer --

1 A Yes, ma'am.

2 Q Okay. And when would you, when would you call
3 for another officer to assist you in the search?

4 A If I had multiple persons in the vehicle. Or
5 if this, if the driver was displaying behavior that they
6 might get ready to run or they might do, do something
7 that is a safety issue to me.

8 Q Okay. So in general, you did not call for
9 assistance unless there were multiple people, the driver
10 seemed aggressive or was doing something else that you
11 think you needed assistance, and then there might have
12 been a third.

13 A That's it.

14 Q Okay. So there's those two examples.
15 Otherwise you did the search yourself.

16 A Yes, ma'am.

17 Q And how often would you estimate that you found
18 contraband, drugs, money, guns, something along those
19 lines, when you were a patrol deputy?

20 A I couldn't, I couldn't tell you offhand. It
21 just, to me it's random.

22 Q Right.

23 A So --

24 Q So I guess I'll ask you a similar question of,
25 you know, more times than not when you were searching a

1 vehicle did you find something that was not supposed to
2 be there?

3 A Again, I couldn't tell you offhand.

4 Q That's okay. If you don't know, you don't
5 know.

6 A I don't want to give an opinionated statement.
7 I don't -- I couldn't tell you offhand.

8 Q That's okay if you don't remember and you don't
9 know exactly. I mean, you're doing the stop in the
10 moment.

11 A Yes, ma'am.

12 Q So I totally understand.

13 Did you ever search a car as a patrol deputy
14 and not find anything at all?

15 A Yes, ma'am.

16 Q Did any Sheriff's officer -- supervisor or any
17 other officer praise you after maybe reviewing some of
18 your body camera footage or riding along with you or
19 being part of a stop and say something like, "Deputy
20 Gereb, you did a really great job with that traffic
21 stop"?

22 A No, ma'am. I'm sorry, I'm going to take that
23 back.

24 Q Sure.

25 A It -- you don't get like awards or pats on the

1 back. It's like, "Hey, good job." That's it. That's
2 about as much praise as you'll get.

3 Q Sure.

4 A So we're not getting like big awards or nothing
5 like that. It's a, "All right, cool."

6 Q Well, that's kind of unfortunate to some
7 extent, because like you were talking about how, you
8 know, when you were a patrol deputy, not all of the
9 officers decided to do traffic stops. Right? Like you
10 exercised your discretion. You went above and beyond.
11 And no one, as far as I understand from our conversation,
12 no one said, "Deputy Gereb," like "way to go. Thank you
13 for doing that." Is that fair?

14 A Yes, ma'am.

15 Q Okay. And then, you know if they saw a
16 particular traffic stop and like you, I don't know, did
17 it well, they would say, "Good job." That's it, right?

18 A That's it. Very stoic.

19 Q Okay. What would prompt them to say -- like a
20 supervisor or a fellow officer, to say, "Deputy Gereb,
21 you did a good job"? What would cause that?

22 A Just being professional.

23 Q Okay.

24 A Not, basically not going out on a limb on some,
25 you know -- for the most part just being professional and

1 maintaining my bearings.

2 Q Sure. And did any officer, supervisor or not,
3 ever say, "Look, I wouldn't have made a traffic stop
4 there"? Maybe they saw your body camera footage and said
5 there wasn't enough for a traffic stop. Did you ever get
6 any feedback like that?

7 A No, ma'am.

8 Q Did anybody ever review your body camera
9 footage or talk to you after a stop and say, "I don't
10 think you should have searched that time. It wasn't
11 quite reasonable suspicion"? Did anyone ever say
12 anything like that to you?

13 A No, ma'am.

14 Q Okay. After you stopped a vehicle when you
15 were a patrol deputy, let's say you found some -- like a
16 large amount of drugs, like dope or something, when you
17 were a patrol deputy. Did that ever happen to you?

18 A Yes, ma'am.

19 Q Okay. And I would assume that means that the
20 driver got charged. I'm not probably using the right
21 vernacular, but more than a citation.

22 A Yes, ma'am.

23 Q What's the right term to say that they were --
24 arrested? Were they arrested?

25 A Arrested, taken into custody, that's pretty

1 much the only two terms I use.

2 Q Okay. Thanks. So just bear with me. So you
3 find drugs as a patrol deputy, you arrested the person,
4 they're taken into custody. What would happen next to
5 that person?

6 A So depending on, as a patrolman, in my
7 patrolman days, I would -- if it's narcotics, we would
8 contact the on-call narcotics deputy at the time.

9 Q Uh-huh.

10 A And then we would let them know what we had.
11 Then they would say -- they would either come out or not
12 come out. We would also -- what I would do too as well
13 is I would weigh, you know, get my weights -- get my
14 charges of what I have, then I would also field test.

15 Q Okay.

16 A I mean, I would take a sample, after I weighed
17 the narcotics, and put it in a, some type of drug test --

18 Q Sure.

19 A -- and test if it was either positive or
20 negative. If it's not -- if I don't get a positive
21 return, then hey, I don't have anything.

22 Q Sure.

23 A And then depending, like I said, again, what
24 type of narcotic we have, if it's pills, you've got to
25 identify the pills.

1 Again, after all that's said and done, contact
2 the on-call. And then if we're going to tow the vehicle,
3 tow the vehicle. And then take -- the arrested person,
4 take them down to what we call the -- well, the Bexar
5 County Jail. At the time it's either the Magistrate or
6 South Tower, which is basically the Magistrate itself.
7 And we would book them into the Bexar County Jail.

8 And then obviously -- obviously write our
9 reports, document our evidence, all that good stuff.
10 Take our report to our Assistant District Attorney, who
11 is there 24 hours a day.

12 Q Wow.

13 A And then they read the report, and they either
14 accept the charges or reject the charges. And then after
15 that point is said and done, the arrested person is in
16 custody of the Bexar County Jail. Then we take our
17 evidence, we take it to our property room and we deposit
18 the evidence there.

19 Q Okay. Thank you. And let's say the ADA
20 accepts the charges.

21 A Yes, ma'am.

22 Q Do you -- what role do you have in the
23 prosecution?

24 A Nothing.

25 Q Okay.

1 A We just wait till we get -- if we get called to
2 court or not.

3 Q Okay. And so how often would you say as patrol
4 deputy you got called to court?

5 A For any narcotics? Never.

6 Q Never. Okay.

7 A Not for narcotics. But it's -- I have
8 primarily been taken for -- when I've done DWIs --

9 Q Sure.

10 A -- either ALR hearings or, you know, the actual
11 testimony, or there's been family violence cases,
12 criminal trespass cases, things of that nature. But I
13 have never been for a narcotics case.

14 Q Okay. I need to take a couple steps back.
15 What is ALR?

16 A Basically when you take someone for a DWI -- I
17 forgot the acronym what it means -- but it's basically in
18 the State of Texas they can challenge, try to keep their
19 license.

20 Q Okay. So that's a special DWI system?

21 A Yes, ma'am.

22 Q The ALR. So when you were patrol deputy, you
23 mostly testified in the ALR DWI context. Is that fair?

24 A For the most -- yes.

25 Q And you talked about a couple of other

1 examples, but I didn't quite understand.

2 A Criminal trespass, like say I arrested someone
3 who didn't want to leave, took them down for trespassing.
4 And then family violence cases. But I have yet to be
5 for -- when I was a patrolman, I have yet to be for a
6 narcotics case.

7 Q Okay. So as a patrolman, you've never had to
8 go testify because of something you found in someone's
9 vehicle.

10 A Yes, ma'am.

11 Q Is that fair?

12 A Yes, ma'am.

13 Q And by yes, you mean you never had to testify?

14 A No, I never had to testify.

15 Q Okay. As, as patrolman, did you ever follow up
16 on whether the person that you stopped was convicted?

17 A No, ma'am.

18 Q Did you have any involvement in kind of the
19 outcome of cases, or did you -- yeah, did you have any
20 involvement in the outcome of cases from folks that you
21 stopped in traffic stops?

22 A No, ma'am.

23 Q Did you ever find out what happened in some of
24 those cases, the outcome?

25 A No, ma'am.

1 Q So as far as, you know, your role, your job is
2 to do the police work, give the evidence to the ADA, and
3 then your job is done?

4 A Yes, ma'am.

5 Q Is that fair?

6 A (Nodding head.)

7 Q And there's no feedback system from them saying
8 like, "Deputy Gereb, that guy you arrested on Friday has
9 been convicted and is going to jail"?

10 A No, ma'am.

11 Q Okay. I think earlier you mentioned STEP
12 enforcement. And we're probably going to -- I'm probably
13 going to take a break shortly, so let's just get through
14 the STEP enforcement, and then we'll take a bathroom
15 break.

16 Can you share with me what your understanding
17 of what STEP is?

18 A STEP is an acronym, Selective Traffic
19 Enforcement Program. It's a grant through the State of
20 Texas that gives agencies a grant, grant money to help
21 enforce traffic law.

22 Q Okay.

23 A It can either be done -- either done running
24 regular traffic. They don't just like, "Hey, I saw you
25 speeding. Here's a citation," or "Here's a warning." Or

1 it can be done -- at the time you used to have the option
2 to do DWIs, and we've done at night to enforce DWIs.

3 Q Okay. So is every officer who goes out on
4 patrol and does any kind of traffic stop, is that officer
5 participating in STEP?

6 A No. STEP is a volunteer thing you do aside
7 from patrol duties.

8 Q So is it an off-duty activity?

9 A No, ma'am. No. You still come in, you sign
10 in, you know, for the traffic unit. And you go out on --
11 I guess basically overtime. It's overtime, in a sense.

12 Q That's helpful. So if you're doing -- if a
13 officer is doing STEP enforcement, it's separate from
14 their other duties. Is that fair?

15 A Yes, ma'am.

16 Q And when an officer is doing STEP enforcement,
17 they are part of the traffic unit for that period of
18 time. Is that fair?

19 A Yes, ma'am.

20 Q Okay. Are there particular offenses that the
21 STEP program targets?

22 A No, ma'am.

23 Q Are there particular locations that the STEP
24 program targets?

25 A Yes, ma'am. There are -- every year, the state

1 will give the traffic unit, "Hey, this is the area we
2 want" -- "these are the areas that we would like y'all to
3 target." And they'll give them the outline, and then
4 they'll relay that information to the deputies that are
5 enrolled and actively working the STEP program.

6 Q Okay. And if there is a stop that is not in
7 the target area, is that still considered STEP
8 enforcement?

9 A Yes, ma'am.

10 Q Okay. So there's like the priority areas for
11 the STEP enforcement, but that's not like the exclusive
12 territory of the STEP program?

13 A No, ma'am. They would like you to spend time
14 in that area.

15 Q Sure.

16 A They want you to be in that area primarily. So
17 if you work a six-hour shift, they want you to be, spend
18 five -- four or five hours in that area.

19 Q And how do those areas get identified?

20 A Usually it's by crashes.

21 Q Okay. So the high crash areas are the priority
22 areas?

23 A Yes, ma'am.

24 Q I feel like I-35 is probably a high crash area.
25 Is that fair?

1 A Yes, it is a pretty bad area.

2 Q Yeah. I mean, you know, we drove down on I-35
3 last night, and I'm sure I gave Josh like several heart
4 palpitations, but that's just how it is on I-35.

5 MR. FRIGERIO: You get used to it.

6 Q (By Ms. Hebert) So, you know, I guess if you're
7 doing traffic stops -- if an officer does traffic stops
8 on I-35, would those traffic stops classify as STEP
9 enforcement?

10 A Yes, ma'am, as long as you're working the STEP
11 program.

12 Q Okay. So you have to be -- you have to have
13 your STEP hat on for that particular traffic stop?

14 A Yes, ma'am. So if, if you're doing -- if
15 you're working your regular shift, you don't work STEP.

16 Q Okay.

17 A Okay. But if you're going in to work STEP,
18 you're working overtime.

19 Q Okay.

20 A It's an overtime -- volunteer overtime thing.

21 Q That's really helpful. Thank you.

22 MS. HEBERT: Okay. I think this is a good time
23 for a break. Does everybody feel it's a good spot to
24 take --

25 MR. FRIGERIO: Sure.

1 MS. HEBERT: Okay. We'll take ten minutes.

2 Molly, so if my watch is right, we'll come back
3 at five till?

4 THE REPORTER: Yes.

5 (Recess from 11:46 a.m. to 11:57 a.m.)

6 THE REPORTER: We're on the record.

7 Q (By Ms. Hebert) So I'd like to talk, Deputy
8 Gereb, a little bit about record keeping, especially for
9 general activities and then maybe later for traffic
10 stops. But before I go on, I think it's generally
11 important for police officers to have an accurate record
12 of their activities. Is that fair?

13 A As into what we do daily?

14 Q Yeah.

15 A If we have to write a report, yes. We usually
16 don't keep that with us.

17 Q Sure. But I mean it's generally important for
18 that report to be accurate. Is that fair?

19 A Yes.

20 Q And it seems like accurate reports and accurate
21 records of what happens is something that protects both
22 the police officers and the public. Is that fair? Would
23 you agree with that?

24 A Yes, ma'am.

25 Q And it also just generally provides a correct

1 record of what happened. Is that also fair?

2 A Yes, ma'am.

3 Q Okay. I'm going to look at a document.

4 MS. HEBERT: Would you mind getting Exhibit C?

5 MR. NELSON: Sure.

6 Q (By Ms. Hebert) And we're going to mark that
7 Exhibit 2.

8 Why don't you just take your time to review
9 this so you know what it is. And I'm not expecting you
10 to be familiar with everything that is in this document,
11 to be entirely transparent. I want to ask questions
12 about what the document is and like what various fields
13 in this form actually mean. So when you're ready, can
14 you tell me what this document is?

15 A This is a SPEARS Incident Summary report.

16 Q Okay. And what does the title of SPEARS
17 Incident Summary mean?

18 A It's basically a report.

19 Q Okay.

20 A I don't recall the acronym of SPEARS, but
21 it's -- it's what gets printed out from our report
22 writing system.

23 Q Okay. So SPEARS is an acronym?

24 A Yes.

25 Q But you don't know what it stands for?

1 A No, ma'am.

2 Q Okay. And how is this -- if I call this the
3 SPEARS summary, will you know what I'm referring to?

4 A Yes.

5 Q All right.

6 A Or you could just say RMS report, SPEARS
7 report.

8 Q R what?

9 A We call it RMS report or --

10 Q Mess report?

11 A RMS.

12 Q RMS. RMS report. What does RMS stand for, do
13 you know?

14 A I don't recall. But it's a report writing
15 system. So we don't -- we used to have everything on
16 certain colored paper, it would be reports like that.
17 And then several years back, we went to an online report,
18 which is what we have here.

19 Q Okay. So back before the days of maybe
20 computers in the patrol vehicles, you had like a color,
21 the red report that you filled out?

22 A Yes.

23 Q Is that fair?

24 A Yes.

25 Q And this is a -- sometimes people, officers

1 call this the RMS report?

2 A Yes, we usually call it the RMS report.

3 Q Usually.

4 A Yeah.

5 Q Okay. So, but if I say the SPEARS summary --

6 A I'll still know what you're talking about.

7 Q -- you know what I'm talking about.

8 A Yes.

9 Q Okay. How does the SPEARS summary get created?

10 A It gets created by every call. So whenever we,
11 whenever we initiate a call or we respond to a call, it's
12 already -- it's already been created by, I think -- I
13 forgot how it gets created as far as how it gets input
14 into the system. But once it's created, it goes
15 through -- I think our dispatches and all that have,
16 that's their level of stuff. I don't know how they do
17 that, so --

18 Q So somebody on the dispatch side creates this
19 report --

20 A Yes, ma'am.

21 Q -- somehow. But as far as you know, this is an
22 automatic function.

23 A Yes, ma'am.

24 Q Am I understanding that correctly?

25 A Yes, ma'am.

1 Q So does a SPEARS summary get generated every
2 time you turn on your lights, for instance?

3 A No, it does not. A call has to be activated.

4 Q Okay. So earlier we talked about when you like
5 push the button to like make a stop, and I'm making a
6 stop, then a SPEARS summary would automatically get
7 created?

8 A Yes, ma'am.

9 Q And if you were responding to a domestic
10 violence call and they made a call for service, it would
11 automatically create a SPEARS summary. Is that fair?

12 A Yes, ma'am.

13 Q Okay. And who's responsible for filling out
14 these forms? Based on kind of what you just said, it
15 seems like some of this gets generated automatically. Is
16 that fair?

17 A Yes, ma'am.

18 Q And then some get filled out. Is that also
19 fair?

20 A No. So it's -- when you go into the RMS system
21 or the SPEARS system, it's basically a fill in the blank.
22 It's a "Do you need this box?" Okay. Fill in what you
23 need to fill in from that point. "Do you need this
24 criteria?" Like person. "Do you need to add this
25 person's information?" The person's here, you fill out

1 the name, date of birth, what information you have for
2 that person. Evidence, any evidence, vehicles, there are
3 separate sections for each one of those.

4 Q Okay. So I think I understand that. So the
5 form gets automatically created when an incident happens;
6 is that correct?

7 A Yes.

8 Q And then there is a form -- the fields of the
9 form an officer has to fill out.

10 A Yes, ma'am.

11 Q So -- and when you say the RMS system, the RMS
12 system is on your computer?

13 A Yes.

14 Q At your CAD that we talked about earlier?

15 A Yes, ma'am.

16 Q Okay. So do you click into the RMS system to
17 get the SPEARS summary for a particular incident?

18 A So we log in. Usually if it's -- you get a --
19 we have two things. We have an incident number and a
20 case number. Okay? Incident number is generally like
21 say a traffic stop, that you did everything you needed to
22 do, you give them a warning or citation, and then you let
23 them on their way. Those will not be generated until
24 after the call is completed.

25 Q The incident number.

1 A Yes.

2 Q Okay.

3 A Which if you look, it says "CAD Master Incident
4 Number," if you look on the top here.

5 Q Okay.

6 A And then a case number. Now, if you do have a
7 case number, again, you are currently working an active
8 case, then you can go in and get the case number and you
9 can type in the case number and it will bring up the
10 report. And you can start working on what you need to
11 work on. Because you're going to be assigned to that
12 case until it -- in its entirety until it's completed
13 from your end.

14 Q You would have potentially multiple incidents
15 for a single case.

16 A You can. But those have to be -- so if you
17 have say three different incidents, and they're tied to
18 all the same case number, they have to be linked or
19 appended to that case number. Well, that's later on for
20 doing further investigations.

21 Q Okay. Let's take a couple steps back so that I
22 understand. Can an officer ever choose not to create a
23 SPEARS summary so that if there's an incident, they make
24 the traffic stop, or they've been called for service,
25 could an officer say, "Nah, I don't need to create a

1 SPEARS summary"?

2 A No, it's automatic.

3 Q It's automatic.

4 A It's there no matter what.

5 Q So the thing that officers can choose is how
6 much and what they fill out?

7 A And what they fill out. Yes, whatever they
8 feel is pertinent to the situation.

9 Q So are there parts of the SPEARS summary
10 document that are optional?

11 A Yes. Yes and no. So like say you get -- you
12 do a traffic stop. We enter the person's information.
13 But you don't have any evidence or anything to put in, so
14 you don't have to fill out any evidence.

15 You go into -- they're not being charged with
16 anything, you don't have to fill out an arrest report.

17 You put down, hey, I made contact -- in this
18 case Mr. L■■■, you know, made contact with Mr. L■■■. That
19 was it. And you fill out his information.

20 And then there's a summary, which is, you see
21 up here under Incident Details. So usually, if it's a
22 traffic stop, again, K■■■ L■■■ was observed speeding --
23 or I'll just put simple, "Citation was issued." I keep
24 it, you know, keep it simple, the things that go in
25 there. Citation was issued for Mr. L■■■, that was it.

1 But if it's a bigger case, like say caught
2 somebody with some type of evidence or narcotics or, you
3 know, weapon, something of that nature, then we start
4 filling out all this stuff. Like Mr. L [REDACTED] was found to be
5 in possession of a firearm. And you go from there.

6 Q Okay. How are SPEARS summaries stored? In the
7 RMS system?

8 A Yes.

9 Q And so if you wanted to go back and look at
10 your SPEARS summaries for the last month, let's say you
11 wanted to look for a case or figure something out, would
12 you go to a particular folder for Deputy Gereb's SPEARS
13 summaries?

14 A So if -- no. What you can do -- because if you
15 type in my -- say you type in my name, you can look up
16 our name, it will show every incident that we've been
17 involved in.

18 But if you're looking for a particular
19 incident, you can go in and research the incident number
20 or the case number.

21 Q Okay.

22 A And you can go from there.

23 Q You can pull it up by either?

24 A Yes.

25 Q Okay. Let's say the incident's over, you've

1 completed the SPEARS summary. Do you submit it
2 somewhere?

3 A It gets submitted and it goes to a supervisor.
4 Then the supervisor looks over everything and feels like
5 hey, if there's -- that there's something that we're
6 missing that we didn't put on there, they can -- we'll
7 say it gets rejected, sent back to us for rework.
8 They'll say, "Hey, you need to add this. This is what's
9 required. This is what we you need to write in there."

10 Q Okay. So you can edit it after the fact if you
11 needed to, if something was missing?

12 A Yeah, as long as like, I guess you can say, not
13 editing the report itself in its nature. Or if you need
14 to add something to your report, like a supplemental
15 report, "Hey, why did you do this? Can you add a
16 supplemental report to the incident itself?"

17 Q Okay. So like let's say we've got K [REDACTED] L [REDACTED]
18 here as an involved person, and let's say you realize
19 that you actually -- or yeah, you realize his name is
20 actually K [REDACTED], and you have to go back and add the L
21 rather than -- because you thought it was K [REDACTED]. Can you
22 go back and edit that?

23 A You can, but I -- if I do that, I'll just write
24 a supplement, K [REDACTED] L [REDACTED] was actually identified as K [REDACTED]
25 L [REDACTED]. There was a typo or a misunderstanding of the name,

1 however I would justify the reason for the
2 misinterpretation of the name.

3 Q So you can edit this document, but your best
4 practice would be to supplement?

5 A Yes.

6 Q Okay. That's helpful.

7 How did you learn how to complete this SPEARS
8 summary?

9 A We go through a training class. Again, just
10 like everything else, there was a lot of kinks to it, a
11 lot of officers making mistakes and learning what to put
12 in -- learning what, when to put in --

13 Q Sure.

14 A -- where to put it in. Like if you do a DWI, a
15 DWI is not going to be done on the general report. It's
16 going to be done through several different reports inside
17 that one report.

18 Q Okay.

19 A So you'll have the case number, but you're
20 going to have like a vehicle in motion report, personnel
21 contact report. It's going to have questions in itself.
22 So you have more to it.

23 Q Okay. So you might have more things to do with
24 particular different types of incidents?

25 A Yes, ma'am.

1 Q When you were learning the training on how to
2 do a SPEARS summary, did you do practice SPEARS summaries
3 then?

4 A Yes. I believe we did. I don't recall per se.
5 But it was just basically a one-day 8-hour class, you
6 need to show up and we're going to show you how to --
7 give you the basic rundown on how to use this report.

8 Q Okay.

9 A And then since then, it has actually evolved
10 since then, so updates and all that stuff.

11 Q Sure, it makes -- they change the form or they
12 change what's required.

13 A Yes.

14 Q And I think you said earlier when you submit
15 it, a supervisor reviews every SPEARS summary; is that
16 correct?

17 A I'm sorry, can you repeat that?

18 Q Does a supervisor review every SPEARS summary?

19 A Yes.

20 Q Okay. Do you know anything about that review
21 process?

22 A No.

23 Q Okay. So somehow it gets sent to the
24 supervisor, they do their review. You're not entirely
25 sure what that entails?

1 A No. They have whatever they want -- they look
2 at whatever they need to look at. As far as I'm
3 concerned or what I know, they say, "Hey, I don't like
4 this. You need to add this to your report," or "Hey, did
5 you add this as a" -- "Okay, then you need to write a
6 supplement as well."

7 So they, any -- as far as what they actually
8 particularly look for, I don't know.

9 Q Okay.

10 A Like I say, every supervisor's different.

11 Q And have you ever -- has a supervisor ever
12 provided you direction or instruction, "Hey, you need to
13 add this to your SPEARS summary"?

14 A Yes.

15 Q What kinds of things have they asked you to
16 add?

17 A Mostly just like if I forgot to write an arrest
18 report -- I'll give you an example. In the beginning of
19 the year, had a person that was wanted for human
20 smuggling. She eventually was -- because the County did
21 not want to extradite her, they rejected her
22 confirmation. So we couldn't technically keep her in
23 custody. So I didn't do an arrest report because she
24 wasn't under arrest, and she was released. Well, they
25 said we need to do an arrest report anyway. So I had to

1 do an arrest report for her.

2 Q Okay. So that's like an example of you getting
3 feedback from your supervisor saying actually you do need
4 to do this report?

5 A Yes.

6 Q Has anyone, any supervisor ever talked to you
7 and said, "Look, you need to add more detail to your
8 SPEARS summaries"?

9 A Yes, because they can actually look at this
10 live. This can actually be done looking at it live. So
11 I can type it, and then he can look at it, and then he'll
12 send it back -- or he'll call -- we'll discuss it, like,
13 "Hey, you need to figure out" -- like, "You need to add
14 this. Did you do this? Did you do that?" You know,
15 whatever he feels I need to add, and if I need -- and if
16 I don't -- I feel that it doesn't need to be added, we'll
17 discuss it as to why it doesn't need to be added.

18 Q Sure.

19 A Or if it does need to be added, you know, or
20 whatever the nature is. Like say this case is a
21 homicide. A supervisor is going to look over it, you
22 know, and -- you know, live time, like, "Hey, I'm going
23 to look at it. Don't, don't submit it, but I'm going to
24 look at what you're putting."

25 And then we're going to look at, "Hey, did you

1 have contact with this person? Did you have contact with
2 that person? What did you see?" You know, they're going
3 to go through that, that range of motion. "Did you
4 identify any weapons? Did you identify evidence? Did
5 you mark it? What did you" -- you know, they're going to
6 go through whatever they need to go through.

7 But for the most part, like I said, this is --
8 they usually have -- for me, it's very rare that I get a
9 kickback or a rework. But that's usually the situation.
10 But like I said, bigger situations, they're going to
11 make -- not -- they're going to make sure that things are
12 done properly.

13 Q Sure. And the way -- are you familiar with
14 Google docs?

15 A Yes.

16 Q So you know how when you open Google docs you
17 can see like my cursor is here, Deputy Gereb's cursor is
18 here. Is that the kind of thing that you can see here?
19 It's like live, you're both collaborating on a document?

20 A No. No. It's, "Hey, Sergeant, here's the
21 report for that. I submitted the report." They're like,
22 "Well, okay, let me -- I'll let you know, I'll look at
23 it." They do it especially a lot for people who are in
24 training, for deputies that are in training. They want
25 to review it before it gets submitted. They want to make

1 sure that the ground's being covered and that the PTO is
2 doing a proper job of training that deputy.

3 Q Okay. So the live reviewing process tends to
4 happen more for newer folks?

5 A It tends, yes.

6 Q But if it's a big incident --

7 A If it's a big incident, they're still going to
8 look over it. They're not going to -- they won't -- I'm
9 not going to say they're going to ask you to change your
10 report. They're going to ask you to make sure that you
11 have everything that needs to be in the report -- in that
12 report. Otherwise they'll say, "Hey, you need to make
13 sure that you do an arrest report," or "you do -- you
14 know, you put down what ambulance showed up." You know,
15 "Was it Medic 1, 2, 3? Was it -- what investigator
16 showed up? Make sure that's in your report. You know,
17 who did the -- who did the log? Who did the evidence
18 collection? Who" -- you know, they're going to mention
19 things of that nature.

20 Q Okay. And when the -- before the, before the
21 report is submitted, can you access the report on your
22 computer at the same time that your supervisor is
23 accessing the report?

24 A Yes.

25 Q And so you guys can call each other and say,

1 "Actually, that woman was a female," or "You need to make
2 sure you include her gender."

3 A Yes.

4 Q Okay. Have you -- do you know of any officers
5 who have ever received a comment that they generally need
6 to improve their SPEARS summaries?

7 A No. I'll say if, if it's become a issue, the
8 officer -- the supervisor will actually pull the person
9 aside. That's what we've always seen. Or if it's just a
10 general issue in itself, like everybody's making the same
11 issue, you know, they'll send out I guess an email or
12 some type of memo, or they'll address us in -- address
13 the shift as a whole, "Hey, everybody, make sure that
14 we're doing this and this and this."

15 Q Okay.

16 A So that's what they'll do.

17 Q So if an individual officer is having issues,
18 they'll pull them aside. But if the unit or bigger
19 group, they'll send out an email and say fix this?

20 A Yes.

21 Q Okay. Let's go back to this page for Exhibit
22 2. You talked a little bit at the beginning about these
23 three numbers. And I think I understand why there could
24 be an incident number versus a case number, but why is
25 there a different number for the SPEARS summary at the

1 top?

2 A This one I don't know. I don't want to assume
3 what it is. I'm pretty sure it could be just a report
4 number that SPEARS is connected in itself. The master
5 incident number, every call, everything you do gets a
6 master incident number. The case number, if you need
7 one, will come secondary.

8 Q Okay. That's helpful.

9 And I think it would be helpful to walk down
10 the CAD Problem Nature in the Incident Details section.
11 What does that refer to?

12 A The CAD Problem entry: What are you there for?
13 Why are you there? This one, stabbing in progress.

14 Q And obviously the stabbing is no longer in
15 progress at this point. So can this be updated, or is
16 this what's just input in the beginning?

17 A That's what's inputted in the beginning. It
18 can be updated. Again, that's on the reporting officer.

19 Q Okay. So the reporting officer, whoever starts
20 the report, is in charge of updating this?

21 A It can. So if I'm the main officer, I'm the
22 reporting -- I'm the report responsible officer, it's my
23 job to go through and make sure I have everything in
24 there, because ultimately it comes down to me.

25 Q Okay. And what does Source refer to?

1 A Source, how -- was it a 911 call? Was it a --
2 what do you call it? How did you get that information?
3 How did we come about this? Did you -- did you -- did
4 you activate it yourself? You know, was it officer
5 initiated? How did this -- who did it? How did we get
6 this info?

7 Q And is this like a drop-down menu, or do you
8 have to input it?

9 A I believe it's a drop-down.

10 Q And then there's Reported Time. What's that
11 about?

12 A The date and time.

13 Q Date and time. What's -- the time of what?

14 A That the incident started.

15 Q Okay. So reported time is the start. And
16 Incident Type, we see homicide in that line. What is
17 that referring to?

18 A A murder, a homicide.

19 Q Is that a drop-down menu you think as well, or
20 is that input?

21 A Usually everything in there is a drop-down
22 menu.

23 Q Okay.

24 A Other than things you actually have to type in.

25 Q All right. And maybe if you see a place where

1 you actually have to type it in, please let me know and
2 I'll try to remember to ask.

3 A So like addresses, addresses are typically --

4 Q Type in?

5 A -- type in. Summaries, like I said, you've got
6 a detail here. Like the CAD Problem Nature is stabbing
7 in progress, that's a drop-down. Your evidence, if
8 you're labeling evidence a certain way -- like say if
9 you've got -- this case, if it's a stabbing, it's
10 probably a knife. So what kind of knife was it, if it --
11 was it a personal knife, was it, you know, something of
12 that nature, those are drop-downs.

13 Q Okay, that's helpful.

14 A But if you need to put detail into it, it's
15 usually -- an address, names, type in. Addresses are
16 typically typed in.

17 Q Okay.

18 A The only thing on the address I would say that
19 it's not typed in, because now it asks you if it's a
20 street, highway, commercial business. Those are also a
21 drop-down menu.

22 Q Okay. So the classification --

23 A Yes.

24 Q -- of a address.

25 A (Nodding head.)

1 Q I see that there -- in the incident details
2 section there's Priority 1. I would assume that a
3 stabbing, potential homicide is a really high priority.
4 So does that mean 1 is the highest priority?

5 A I'm going to say yes. I believe that's
6 inputted by dispatch.

7 Q Okay. So dispatch puts in the priority level.

8 A Yes.

9 Q And then we've got Incident Time. What does
10 that mean?

11 A Usually, when I type -- I type in, it's usually
12 the incident time that the reported time came out.

13 Q Say that again.

14 A So usually the way I've done it is that -- this
15 is different, because it could be when they showed up on
16 scene. But usually what I've done, it's usually the same
17 as the starting time. Because both --

18 Q So when you do the report, help me understand,
19 the reported time and the incident time are the same
20 thing?

21 A That's usually how I've done it. Because
22 again, it's -- the incident time is the time of -- the
23 time it gets reported, that's when it's happening.

24 Q Okay. So here we've got maybe 15 minutes
25 between the reported time and the incident time. Why

1 would there be 15 minutes here?

2 A I don't know. I wasn't the reporting officer.

3 Q Okay. That's fine. I just was trying to
4 understand what the 15 minutes might be.

5 A I couldn't tell you. It could be the response
6 time.

7 Q Okay.

8 A How long it took them to get there.

9 Q Okay.

10 A I believe at this time, at this location,
11 because I used to -- this is one of the areas that I also
12 used to patrol --

13 Q Sure.

14 A -- traffic is a heavy buildup.

15 Q So maybe this was the time -- am I
16 understanding correctly that you're saying the reported
17 time is maybe when the call came in?

18 A Yes.

19 Q And then the incident time is what?

20 A Is possibly when they made the location.

21 Q Okay.

22 A Again, I don't know what the reporting
23 person --

24 Q Sure. That's okay. And Incident Location, is
25 this automatically generated? Or do they suggest a --

1 select a drop-down, or do they have to input this one?

2 Do you know?

3 A You have to input this.

4 Q Input. Okay. Incident status and incident
5 status date, these are blank in this example, but what
6 kind of information go in there?

7 A I would say the same thing as reported time and
8 date. I don't know -- I know it's a drop-down. I just
9 don't remember what the drop-downs are.

10 Q Okay. And then we already talked about
11 Summary, you type into that. Classification I feel like
12 it's pretty self-evident. That seems like it's
13 drop-down.

14 A I don't want to say yes or no. I don't recall.

15 Q That's okay. You don't know. The next section
16 is External Incident Numbers. Do you know what kind of
17 information goes in this section?

18 A No, ma'am.

19 Q Okay.

20 A The -- yeah, I don't know what would go in this
21 one.

22 Q Okay. And then we've got Involved Persons.
23 Would this be where a witness is -- information would go?

24 A It could be a witness. It could be the
25 arrested person. It could be anybody that's involved.

1 Q Okay. So a potential suspect might be here?

2 A I believe so. If not, it's going to label them
3 as SP, or suspect. There is a -- I know there's a box
4 for a suspect person, so -- and then there is a -- and
5 then you have other people, "Other," and then you have a
6 Witness box.

7 Q Okay.

8 A When it prints out, I believe it comes up under
9 Persons Involved.

10 Q So it all gets assembled here --

11 A Yes.

12 Q -- under Persons Involved. All that
13 information about people on the scene or the suspect, it
14 all gets in this document?

15 A Yes.

16 Q Okay. Let's skip to Page 3 and Involved
17 Property. And there's a pretty lengthy list here. But
18 how is it generated?

19 A Input. It's handwritten input.

20 Q Okay.

21 A There are some drop-down boxes. So ID card.
22 You could put -- you could do the drop-down that says ID
23 Card, and you could say School ID, Personal ID, something
24 of that nature.

25 Q Okay. And let's skip to the next page, Page 4.

1 And look down to the section that's titled Involved
2 Officers. In the first line, it says, "Reporting
3 Officer." Am I reading that correctly?

4 A Yes.

5 Q And then it's got, looks like a name in capital
6 letters. Am I reading that correctly? Is that an
7 officer name?

8 A Yes.

9 Q And what's the next number in the line?

10 A That's a number -- I believe that's going to be
11 the, the employee number.

12 Q Their employee number?

13 A Yes.

14 Q The Sheriff's Office employee number?

15 A Yes.

16 Q So you've got Reporting Officer, the name of
17 the officer, their employee number. BCS, what does that
18 stand for?

19 A Bexar County Sheriff.

20 Q Okay. What does the next thing mean, Sworn?

21 A Sworn, we're sworn officers.

22 Q Okay. And then what's the next thing? There's
23 Violent Crime in capital letters.

24 A Violent Crime. So this person here is Sergeant
25 Mahon. He's assigned to the Violent -- he's the

1 supervisor over the Violent Crime investigators.

2 Q Okay. And you can't tell their rank here based
3 on that?

4 A No.

5 Q You just knew that, right?

6 A Yes, because I've worked with him several
7 times.

8 Q Okay. So their division or unit number is what
9 shows up at the end of this line?

10 A Yes.

11 Q And then looking to the next line, it starts
12 with Assisting Officer. Am I reading that correctly?

13 A Yes, ma'am.

14 Q What is the difference between the reporting
15 and assisting officer?

16 A Usually the reporting officer is the one taking
17 lead. In this case, Sergeant Mahon might be taking lead
18 as the supervisor, and he -- as far as for the
19 investigator's side.

20 Q Okay. So if someone's taking lead, does that
21 mean that the reporting officer might change if a
22 supervisor comes onto the scene?

23 A I'm not too sure on how that gets labeled in
24 here, because sometimes it will say Reporting Officer and
25 that wasn't the reporting officer. It could be that he's

1 the reporting officer for that section, like he's
2 responsible over that section for that scene.

3 Q Okay. And Assisting Officer, does that mean
4 that every officer who comes to the scene gets listed as
5 assisting if they're not reporting?

6 A Yes.

7 Q Okay. And how significant of a role do you
8 have to have as an officer to get listed as assisting?
9 For example, like if you're the guy who's manning the
10 perimeter and signing people in, do you get listed as
11 assisting officer?

12 A Yes.

13 Q Okay.

14 A You're -- as long as you're responding to the
15 call or assigned to the call, you're, you're there.

16 Q Okay. So default. Doesn't matter how
17 insignificant a role you played in that.

18 A You could be the last person on scene, showed
19 up, turned around and that was it, and you're still going
20 to be assigned to the call.

21 Q Okay. Let's go back to the second line where
22 we're talking about Assisting Officer and then we see a
23 name, and the employee ID number. On the second line
24 there's Inactive Employee. What does that mean?

25 A So Alcala, he was with the Sheriff's Office.

1 He retired from the Sheriff's Office and is currently
2 with another agency.

3 Q Okay. So he's currently now with a different
4 agency?

5 A Yes.

6 Q But I assume that at the time of this stabbing,
7 he was not an inactive employee.

8 A No. He was -- he was a sworn -- it would say
9 sworn.

10 Q Okay. So does that mean that this section of
11 the report changes based on when you print it?

12 A I couldn't tell you. I don't know.

13 Q Okay. What is Score?

14 A Score is -- it's a community policing unit. I
15 think it's like the Sheriff's community outreach. I
16 forget what else that means.

17 Q Okay. So he was with the Score unit at this
18 time. Is that fair?

19 A Yes, ma'am.

20 Q Okay. Let's go to Page 6. And at the top it
21 says General Report, Incident, and it has the same SPEARS
22 number. Can you tell me what this page is?

23 A It's a report, general report. I know, I think
24 I did mine as -- by accident as a general report.
25 Because once you, I have -- me personally, I have a bad

1 habit of -- you have to sign your -- digitally sign, so
2 you put it in by putting your employee number.

3 Q Okay.

4 A So what you do -- it says Author, it's got that
5 number, that's my employee number.

6 Q Okay.

7 A And once you do that, you can't delete it. So
8 I was supposed to write a supplemental, and instead I
9 just did a general report on it.

10 Q Okay. So your general report in this example
11 was an accident?

12 A No. I was writing -- I meant to put a
13 supplement, a supplemental report, but I accidentally
14 clicked on the general report, and this is how I got
15 stuck doing it, so --

16 Q Okay. So let's go back to the Involved
17 Officers on Page 4. Are you listed on the Involved
18 Officers?

19 A Page 5.

20 Q Or Page 4 -- oh, Page 5.

21 A Page 5.

22 Q So you're listed as Assisted -- Assisting
23 Reporting Officer. And why are you a Reporting Officer
24 there?

25 A I believe it's because I made a report.

1 Q Okay. So then does Reporting Officer here
2 indicate every officer who makes a report back here?

3 A I believe so. I couldn't tell you. But I know
4 from my end I did a report on it, so --

5 Q Sure. And in general, we were -- I think you
6 were talking about the fact that you meant to do a
7 supplemental report here.

8 A Yes, ma'am.

9 Q What's the difference between a general report
10 and a supplemental report?

11 A A general report usually is the person that's
12 the reporting officer, the one that's taking lead, that's
13 supposed to be over all of this. Because they -- you
14 know, they were either first on scene or it was their
15 incident or this is their case, whatever the case is.

16 Supplement is, "Hey, I'm assisting you. This
17 is what I did on this day. This is what my actions
18 were."

19 Q Okay. So the general report is, for lack of a
20 better descriptor, the main report.

21 A Yes.

22 Q Is that fair?

23 A Yes, ma'am.

24 Q Okay.

25 A And my, like I said, mine was accidental.

1 Q That's okay. I think it's still just helpful
2 to understand what it is.

3 Are there general reports for every incident?

4 A No, ma'am.

5 Q Why not?

6 A Because not every incident requires a case
7 number. Usually when we do a general supplemental
8 report, it's usually done because you have some type of
9 offense or some type of information you need to put in.
10 If it was an information report or like if this is a
11 homicide or you have something that's going to be going
12 further than what the incident initially is. Say, if I
13 do a field contact, I come out, I talk to you. "Hey, I
14 just did" -- my summary, I made contact with John Doe, he
15 was walking down the street. I did -- here is his
16 information. That's it. It's not -- a general report or
17 a supplemental report is not required --

18 Q Okay.

19 A -- if you did a quick incident detailed report,
20 I would say.

21 Q Okay.

22 A Which is -- like if you go back to Page 1.

23 Q Sure.

24 A Which is right here, under Summary, it says,
25 "K [REDACTED] I [REDACTED] stabbed and killed his wife." So it's a

1 summary of the incident. So --

2 Q And this -- is a summary required?

3 A Usually, yes. Yes.

4 Q Okay. But the general report is not required.

5 A No. If it's just an incident without a case
6 number.

7 Q Okay. And so I thought we kind of were talking
8 about earlier case numbers being like ones that are kind
9 of more ongoing. Is that a fair assessment of case
10 number?

11 A Yes, ma'am.

12 Q And so -- but every call for service gets a
13 incident number.

14 A Yes. Every call -- every time there is an
15 incident, any time that there's -- whether the officer
16 initiated, call for service, anything, there is an
17 incident number for it.

18 Q Okay. So if we have a traffic stop, for
19 example, what parts of the SPEARS summary are required?

20 A Typically, what's recently came out is the
21 person involved, and then you could put the vehicle,
22 their vehicle, and then the summary.

23 Q Let me just stop you for a second. The vehicle
24 would be the involved property?

25 A Yes. Or it should be --

1 Q Somewhere in there?

2 A Going to be Involved Property or should be a
3 Vehicle section.

4 Q Okay. Or a separate section?

5 A Yes.

6 Q That's okay. I'm just -- it's helpful to know.
7 So in every SPEARS summary, there should be the like
8 general up here incident details information, the
9 summary, the involved person, and the involved
10 property/vehicle.

11 A Yes. Recently, it was -- it was more
12 redirected and more specified on how to -- what needs to
13 be put in, especially for traffic stops. It was more
14 specified, probably about a year or so ago.

15 It used to be, because of the Sandra Bland Act,
16 it was, "Here, here's your warning. Here's a copy of
17 your citation or a copy of your warning." And we had to
18 provide that to them. And then it was recently now --
19 because there was a big issue that the officers weren't
20 putting the proper information in. Like now you've got
21 to put their -- somebody's information into who you made
22 contact with.

23 Q Okay. So a year ago they started requiring you
24 to put in the driver information?

25 A Yes.

1 Q Am I understanding that correctly?

2 A Yes.

3 Q Before the Sandra Bland Act, you didn't
4 necessarily have to do that?

5 A No. We just had to provide them a copy of the
6 citation or warning.

7 Q The driver?

8 A Yes.

9 Q Okay. Let's go back to Page 6 with your
10 report. I see that there's the Author line and the
11 Entered By line. Are these always the same?

12 A Yes.

13 Q So there's no reason that there would be a
14 separate Author from a separate Entered By?

15 A No, there shouldn't be any reason.

16 Q Would there ever be a reason that the Report
17 Time and the Entered Time would be different?

18 A No.

19 Q So those should always be the same?

20 A Yes.

21 Q And is it required that an officer complete
22 their general report on the same day as the incident?

23 A Typically if you're the main one, yes.

24 Q Okay.

25 A This one, I was -- if I remember this incident

1 correctly, I was there to assist.

2 Q Right. And you were -- you already indicated
3 this particular example on Page 6 of Exhibit 2 was a
4 mistaken general report?

5 A Yes.

6 Q You meant to do a supplemental, and I'm sorry
7 that I picked this one for you. But in general,
8 whoever's doing the main report has to do it the same
9 day?

10 A Yes.

11 Q Okay. When you do something like a traffic
12 stop or a call for service like domestic violence, when
13 do you complete the general report?

14 A Usually by the end of the day.

15 Q So --

16 A When I was on patrol, if it was a domestic
17 violence situation or whatnot, I typically would -- if it
18 was an assault, I have to put all that stuff in before --
19 if someone's getting taken to jail, the report has to be
20 done before you take it to the ADA.

21 Q Okay. So let's say you do the domestic
22 violence service call. Do you fill out the general
23 report in your patrol vehicle immediately following the
24 call?

25 A Yes. Now, if I have an arrest, if somebody's

1 an arrest, I will take them and I will fill out the
2 report when I get down to the jail.

3 Q Okay. And when you do a traffic stop, do you
4 fill out the report, general report immediately after
5 doing the stop?

6 A No general report is required unless you have
7 some type of case number that requires like some type of
8 evidence or someone going to jail, something of that
9 nature.

10 Q Okay. But if you decided to fill one out or
11 you decided to fill -- you had to fill one out, when
12 would you fill that out, that report?

13 A Usually, typically the same day. I try to get
14 them done after the stop is over. Because if not, the --
15 it builds up. And traffic stops really aren't -- I
16 wouldn't say not a primary issue. They're not -- they're
17 not a case number. They don't require a case number.

18 Q Okay. I'm going to go back to your example on
19 Page 6. And I see the last sentence says, "BWC
20 available." What does that mean?

21 A Body worn camera is available.

22 Q And generally -- we just talked about how every
23 officer that goes out in the field has a body worn
24 camera. Shouldn't there be body worn cameras available
25 all the time?

1 A You mean on, as in like they're buffering?

2 Q Or just available footage. Like if you're
3 responding to a service call, shouldn't the default be
4 that there's a body worn camera --

5 A Yes.

6 Q -- available? So like generally, all of these
7 incident reports should include body worn camera
8 available. Is that fair?

9 A Yes.

10 Q Okay.

11 A Now, I will say -- like I said, if you show up
12 last on the scene, you should have one anyways, but
13 there's some people that if they're on the way there and
14 they're maybe a mile from a, from the scene, and they're
15 turned around because they get canceled.

16 Q Yeah, I understand that. So that would be the
17 exception to the general rule. Is that fair?

18 A Yes.

19 Q Let's go to Page 7. This seems to be one of
20 those supplemental reports that you were talking about;
21 is that correct?

22 A Yes.

23 Q And this is a -- the author is a different
24 officer. Is that also correct? Am I reading that --

25 A Yes.

1 Q -- in the right way? Okay. And when should an
2 assisting officer complete a supplemental report?

3 A Typically, usually do it the same day. A lot
4 of officers will do it based on their involvement. If
5 you were directly involved, like you were directly hands
6 on into the incident, you were there, you saw the whole
7 nine, typically it's all done right then and there --
8 right then as soon as possible.

9 Some officers have, they -- if they're not
10 directly involved or they're just assisting like the
11 perimeter, they'll do a small supplemental like the next
12 day.

13 Q And if you're assisting, are you required to do
14 a supplemental report?

15 A Yes. On a case I'm -- yes. I would say not
16 required, but if you're assisting, depending on say --
17 let's say a traffic stop, I showed up. You were
18 assisting -- I show up to assist you, but nothing
19 happened or I just assisted you with a search of the
20 vehicle, you could put down -- I guess on the action
21 entry, "Made location, assisted with search of the
22 vehicle," and then that's it. Some supervisors do want
23 you to do a supplemental if you're getting hands on or
24 doing more direct involvement.

25 Q Okay. So from that I understand that you don't

1 always have to do a supplemental report when you assist.

2 A Yes. I believe that depends on the situation.
3 Like I say, a traffic stop, again, showed up, covered --
4 assisted with the cover, and that's it. That's an action
5 entry. But say if there's -- if your involvement is a
6 little bit more, then you add a little bit more onto it.

7 Q Okay. So generally then, if I'm understanding
8 you correctly, you should -- an assisting officer should
9 do a supplemental report if they have involvement in the
10 incident other than just "I'm here."

11 A Yes.

12 Q Okay. Let's skip the next couple of pages,
13 which seem to be more reports, and a whole bunch of
14 supplements. Let's skip to Page 11. This looks like a
15 supplemental report done by Deputy Babb. Am I reading
16 that correctly?

17 A Yes.

18 Q But the narrative is blank; is that correct?

19 A Yes.

20 Q Why -- why would that be the case?

21 A I couldn't tell you. I don't know what was
22 going on with this, with him, or if he did that
23 intentionally or if he did it -- like something happened
24 that it wasn't saved properly. Because there have been
25 times on my reports that I'll do the report, I'll write

1 this nice, fancy report, and then I turn it into the ADA,
2 but then when I go back, it's not there. I think that's
3 a possible glitch in the system.

4 Q Okay.

5 A But again, I don't know on his -- I don't know
6 what was going on with that.

7 Q So you wouldn't know exactly what happened
8 here?

9 A No.

10 Q Okay. Let's skip to Page 25. There's a lot of
11 supplemental reports in here. I'm going to skip to 25.
12 I think this may be what you were referring to a little
13 earlier. Let's look at the section that says Action Log.
14 What is the action log?

15 A Everything that happened. Everything that
16 happened that day. Who -- so basically an action log is,
17 I guess how you do an entry. So instead of doing the
18 supplemental report, it shows like -- say in the first
19 sentence, "I assisted in investigating by escorting
20 so-and-so downtown to the CID office" and that was it.
21 That was his involvement.

22 Q Okay. And is this what you meant earlier when
23 you were talking about key card notes?

24 A No, no. Key card notes are put on the key
25 card.

1 Q Okay.

2 A This is put into the actual SPEARS/RMS report.

3 Q Okay. Help me understand, what are the key
4 card notes?

5 A Key card notes is a -- it's almost the same
6 thing as an action log entry. It used to be what first
7 came out before the RMS -- before the RMS system was
8 available, we would put down basically what an action log
9 is, "Made location. These were my actions. This is what
10 I did. Left location." That was it.

11 Now, because this is out, it's become a little
12 bit more -- less of putting it in there and more of
13 putting it into the report.

14 Q Okay. So let's take this section by section
15 then. When it says Type, in the first column, what does
16 that mean?

17 A I'm sorry, you said Type?

18 Q Yeah. We're looking at the action log. And
19 the first, very first column says Type.

20 A Okay. So this CID follow-up, that's what they
21 were. This, this deputy here is a CID investigator.

22 Q Okay. So what I'm asking is the column type,
23 what are these entries?

24 A Oh.

25 Q What goes there?

1 A What you did. What kind of action you took.

2 Q Okay. What kind of action.

3 A Yes.

4 Q And is it a drop-down menu?

5 A Yes, that one is a drop-down menu.

6 Q Okay. And Entry Time, does this mean --

7 A That's generated when you click on it, "Hey,
8 I'm doing an action log." Just like with the reports,
9 it's just generated when you select that option.

10 Q Okay. And is any of -- is that automatic at
11 all or you have to select -- you say --

12 A The time?

13 Q Yeah.

14 A No, no. It goes in when you do it.

15 Q Okay. When you enter whatever you're entering,
16 it automatically gets the Entry Time?

17 A Yes.

18 Q And what is the Event Time? It seems like all
19 of these match. Right? So why the two columns? What's
20 the difference between these two columns, Entry Time and
21 Event Time?

22 A Entry time is when you enter it. Event Time is
23 when you enter it. I don't know why it's separate like
24 that.

25 Q Okay.

1 A That's beyond me.

2 Q And Author, that would be the officer who did
3 the action?

4 A Yes.

5 Q And what does Link mean?

6 A I don't know.

7 Q Okay.

8 A That, I do not know.

9 Q And what is the Log Entry column about?

10 A It's basically what you did.

11 Q And this is what an officer types in?

12 A Yes.

13 Q Is there any drop-down menu here?

14 A No. This is a type-in.

15 Q Okay. Let's skip down to the row that begins
16 Review.

17 A You said Review?

18 Q It's like the middle, and then there's a large
19 blank space after it. So it's that row before the blank
20 space.

21 A I'm sorry -- oh, here it is. There, I'm sorry.

22 Q No, it's okay. It's very small print too.

23 What is this line about, what does the Review mean?

24 A I assume it was -- I don't want to assume. But
25 if it's a drop-down menu, that's probably what this

1 person -- this reporting person or entry did.

2 Q What did they review?

3 A Whatever they put on here.

4 Q Okay.

5 A That's --

6 Q That's the extent of what you know?

7 A Yes.

8 MS. HEBERT: I think this is a good time for a
9 quick lunch break. How long do you think we could do
10 lunch in?

11 THE REPORTER: We're off the record.

12 (Recess from 12:47 p.m. to 1:28 p.m.)

13 THE REPORTER: We are back on the record.

14 Q (By Ms. Hebert) We are now back from lunch, and
15 I want to talk about criminal interdiction. What does
16 criminal interdiction mean?

17 A Well, criminal interdiction it's a broad scope.
18 It could range from -- it typically is -- I guess you
19 could say it's typically identified with highway
20 interdiction, where you find large amounts of narcotics,
21 money, guns, humans. That's typically what it's
22 associated with.

23 Interdiction -- criminal interdiction is a
24 broad scope of things. It can go from working at the
25 airport, working in the parcel interdiction. It can go

1 all the way to, you know, regular hotels, motels.

2 Interdiction is just a broad scope.

3 Q Okay. And then for the Sheriff's Office, does
4 criminal interdiction mean highway interdiction or does
5 it include all these other things?

6 A It includes all the other things too.

7 Q Okay. So what are the goals of criminal
8 interdiction?

9 A Just basically -- basically to stop crime and
10 be proactive. Go out there looking for people that are
11 involved in large -- I guess on a more large scale of
12 criminal offenses.

13 Q Okay. And I think I remember you saying
14 earlier today that the Sheriff's Office criminal
15 interdiction unit was created in 2020; is that right?

16 A There have been various forms of it. They have
17 never lasted as long as our current unit is. But since
18 I -- since we, we started it in 2020, it's been going on
19 since then.

20 Q Okay. And what was the form of criminal
21 interdiction before the separate criminal interdiction
22 unit?

23 A I believe that it was just traffic, guys
24 running traffic, from the traffic units, and they were on
25 the highways, just as a random thing and they would go do

1 it.

2 And they had small, like one or two guys that
3 would do it here and there. And it would last -- from my
4 understanding what I was told in the past, it would last
5 about two, three months, and then it would fizzle out.

6 Q So it would be more like a task force?

7 A No. No, no, no.

8 Q Okay.

9 A It was just -- it was started and then it
10 wouldn't catch on, and so they would just do away with
11 the unit.

12 Q Okay. And so were you part of the criminal
13 interdiction unit for the Sheriff's Office when it
14 started then in 2020?

15 A Yes.

16 Q So you were one of the, for lack of a better
17 descriptor, founding members?

18 A Yes.

19 Q Okay. And when it was created in 2020, do you
20 know why the separate unit was created?

21 A No. I honestly don't. They just said, "Hey,
22 you want to do this?" And I said, "Yes, sure."

23 Q Yeah.

24 A That's pretty much -- when you're a proactive
25 person, you get hand picked to do a job, that usually

1 says a lot about the officer in itself. And it shows
2 that people are looking at you and how you work and that
3 you get a good -- I guess you could say you get a good
4 briefing or a good back story from people that, like
5 supervisors and stuff like that.

6 Q I don't follow you. I'm sorry.

7 A Meaning, you know, a supervisor will reach out,
8 and like, "Hey, how is this guy?" And you know, that --
9 the supervisor will brief them, like, hey, this is what
10 we think of him, this is how it looks, this is -- you
11 know, my lieutenant at the time -- I never got these pats
12 on the back, where they said, "He's a hard worker. He
13 does what he's supposed to do and handles" -- you know,
14 "You never have to get on him for anything. And if you
15 do, it's more something minor."

16 Q Okay. And when the unit was created in 2020,
17 how many officers were part of the unit?

18 A There were four.

19 Q So in 2020, there were four criminal
20 interdiction officers?

21 A Yes.

22 Q Do you remember their names?

23 A Yes. One was John Aguillon. Another one is
24 Deputy Treadwell. And we had a couple of guys that
25 rotated out. One was Chris Terrazas, and he went back to

1 street crimes. And the other one was Gil Martinez. And
2 then of course me.

3 Q Okay. So that sounds like five.

4 A There was five. But Terrazas, when he went
5 back to street crimes, Gil Martinez replaced him.

6 Q Okay. And what's the size of the criminal
7 interdiction unit now?

8 A Two.

9 Q Two. Why the decrease?

10 A There -- so when I went back to patrol for
11 staffing issues, they went down to three. And then there
12 was a major event that happened. There was a guy came
13 in, was evading from police, shooting at law enforcement
14 during an active vehicle pursuit. They engaged -- they
15 engaged in the shootout, and, you know, they were -- I
16 don't know the, I guess the extent of their role. I just
17 know that they were involved in the shootout, which led
18 to a person being deceased.

19 So, and then of course they go on their -- not
20 their leave, but they go on -- you know, during the
21 investigation, waiting to get cleared by a Grand Jury,
22 and then the formation of TAG was started.

23 Q What's TAG stand for?

24 A Texas Anti-Gang unit.

25 Q Okay.

1 A Deputy Aguilon went to TAG, to the intel side.
2 Deputy Treadwell ended up going back to traffic. Deputy
3 Gil went to the covert side of TAG, and then I was just
4 in patrol.

5 Q Okay.

6 A And Chris Terrazas was on street crimes, so --

7 Q So today you're still on the criminal
8 interdiction unit?

9 A Yes. I came back, and I've been on it since.

10 Q And who else -- who's the other officer?

11 A Right now it's Deputy Louie Estrada.

12 Q Okay. And it was previously Deputy Babb. He
13 was probably an officer with you. At what point -- how
14 many, how many officers were there when Deputy Babb was a
15 criminal interdiction officer?

16 A Just two. Deputy Babb actually took a position
17 at the training academy. He went to the training academy
18 and which we -- at that point we brought on Deputy
19 Estrada.

20 Q Okay. So it went down from five -- four to
21 two?

22 A Yes.

23 Q And then Deputy Babb was replaced by this new
24 person?

25 A Yes, ma'am.

1 Q Okay. Who is your supervisor today?

2 A Still Sergeant Gamboa.

3 Q And so what is Sergeant Gamboa over? If he's
4 not just over -- he's not part of the criminal
5 interdiction unit?

6 A He's over us. He oversees our operations, as
7 well as he's over the intel side of TAG.

8 Q Okay. So are you part of the Texas Gang
9 Enforcement group then?

10 A I'm a part of Organized Crime Unit.

11 Q Okay.

12 A We kind of -- and then we also work
13 hand-in-hand with TAG.

14 Q Okay. And who is Sergeant Gamboa's supervisor?

15 A It would be Lieutenant Fred Viletti.

16 Q We talked a little bit about criminal
17 interdiction including various different types of
18 interdiction activities. You talked about highway
19 interdiction. What percentage of criminal interdiction
20 activities is highway interdiction?

21 A It really depends on the agent itself -- the
22 agency itself, what they're targeting. With us, we have
23 been removed from the highway due to a human smuggling
24 issue. Human smuggling has become so dangerous that the
25 people that are -- the smugglers that are bringing these

1 people in are evading and they're crashing these cars and
2 people are getting hurt. So we're not -- we're taking a
3 more precautionary investigative step to it, and we're
4 not pursuing them on the highway. I guess we're working
5 off more intel-based things, so that way we can tie them
6 down to a location versus a vehicle.

7 Q Okay. So you're no longer doing traffic stops
8 on I-35?

9 A Well, Bexar County, the map itself, has
10 multiple highways --

11 Q Uh-huh.

12 A -- multiple loops, multiple Farm-to-Market and
13 county roads, back roads into, into the county. So
14 there's more ways to attack that than just hitting the
15 highway.

16 Q Sure.

17 A But again, the issue is our admin does not --
18 for the safety of migrants, we don't want -- we don't
19 want them to get hurt. And there have been several
20 issues over the last year where migrants have been killed
21 by, by agencies pursuing them. So it's a safety issue.
22 Mostly, you know, for them. Because we don't -- like I
23 said, we don't want somebody getting hurt.

24 Q Okay. So you're still patrolling the, in
25 criminal interdiction fashion, making stops on other

1 places throughout the county. Is that fair?

2 A Yes, ma'am.

3 Q And when you said "our admin doesn't want," do
4 you that mean it's management --

5 A Yes.

6 Q -- or administrator --

7 A Administration. It's, like I said, mostly
8 because they look at everything, to see what the other
9 agencies around us are doing, and the liability it can
10 become.

11 Q Okay. So if I'm understanding you correctly,
12 management has pulled you off of certain highways and
13 said go be on these other places?

14 A Yes, ma'am.

15 Q Okay. But you are still doing traffic stops in
16 the criminal interdiction capacity.

17 A Yes, ma'am.

18 Q Okay. When you're working criminal
19 interdiction, do you respond to other calls for service,
20 like domestic violence or potential burglary or something
21 along those natures?

22 A Yes. From time to time we will assist. Patrol
23 will call us. If there are calls that are a little bit
24 more extreme, such as a standoff or a barricaded subject,
25 something that needs a little bit more specialized

1 action, we will go out and assist.

2 Q Okay.

3 A Mostly, primarily on perimeter. But we have
4 been known to be in the mix with like say SWAT and stuff
5 like that.

6 Q And do you as an individual officer make the
7 decision to respond to a call for service, or are you
8 given an order?

9 A Both.

10 Q Okay.

11 A Both. We -- we primarily -- let's say we're
12 given the discretion of you know what you need to do.
13 You know your job. You know what your responsibilities
14 are. You go handle what you're supposed to handle.

15 Q What percentage of your work time would you say
16 you make traffic stops?

17 A Nowadays I would say about 60 percent.

18 Q 60 percent. You say nowadays. That means it
19 changed?

20 A Because we shifted from the highways. We've
21 gone to more, the more specialized part of interdiction,
22 such as -- like we work with UPS, and they'll allow us to
23 assist, you know, with something suspicious.

24 Q United States Parcel Service?

25 A Yes.

1 Q Okay.

2 A Or we'll be proactive, see who's smuggling any
3 type of contraband through the mail. And then we'll
4 also -- we're also trying to work with Amtrak. So we're
5 trying to get our hands on to like the airport and things
6 of that nature, because there are other ways of
7 interdiction that contraband and all that is being sent
8 through.

9 Q Have you been trained in criminal interdiction
10 specifically?

11 A Yes.

12 Q What does that training look like?

13 A As in to?

14 Q Did you attend a specific criminal interdiction
15 training, or for example, did the Sheriff's Office
16 conduct a criminal interdiction training?

17 A Yes. I've gone to interdiction training
18 courses from several different agencies. And I've also
19 done ride-alongs with other form groups.

20 Q Other, what was that?

21 A Form groups. Like other I guess you'd say task
22 force.

23 Q In the Sheriff's Office or other entities?

24 A Other entities throughout Texas.

25 Q Okay. So let's break that down then. What

1 kind of courses are interdiction courses?

2 A Well, usually they're identified as some type
3 of -- it will say interdiction on it somehow, or they'll
4 identify it as like concealment courses. They call it
5 traps. So basically it's another way of saying
6 concealment.

7 They'll also identify as, for lack of a better
8 understanding, behavior, deceptive behavior courses.
9 I've attended search warrant courses, narcotics search
10 warrant courses.

11 Q Okay.

12 A So I've attended several, quite a few courses.
13 And also such things as human trafficking, narcotics
14 trafficking, things of that nature.

15 Q Okay. And these ride-alongs that you have
16 talked about, who have you done ride-alongs with?

17 A One company was the Attorney General's
18 investigators -- I'm sorry, not Attorney General --
19 D.A.'s office, District Attorney investigators out by
20 Odessa, Texas. I can't remember the name of the county
21 that they work for, but they have a task force out there.
22 We rode, I believe, four or five days with them.

23 And then they have a training program, a
24 training company called HITS.

25 Q H-I --

1 A T-S.

2 Q -- T-S?

3 A They're primarily highway. And then I also
4 rode out with -- before Deputy Babb passed to the other
5 unit, we went out with a group out of Tyler, Texas.

6 Q Okay.

7 A I believe it was Collin County and Smith
8 County, Texas.

9 Q And in general during these training sessions,
10 what would you say were the best practices that you took
11 away from these training sessions?

12 A Just how to identify possible behaviors and,
13 you know, watching them do the interviews, watch them how
14 they, how they conduct themselves.

15 Q Uh-huh.

16 A What questions -- what types of questions to
17 ask, what to, what kind of -- what to look for, what we
18 can typically associate with trafficking, things of that
19 nature.

20 Q Okay. Break that down for me. Like what kind
21 of behaviors are you looking for, are you taught to look
22 for?

23 A Nervousness, how they react to certain
24 questions, what's their responses to certain things, look
25 for deceptive behaviors, things of that nature.

1 Q Okay. And how do you tell what is normal
2 nervousness versus interacting with police nervousness?

3 A Well, everybody's nervous when you interact
4 with law enforcement. That's something that we can, I
5 can honestly say that -- and I address it nowadays more
6 on my body camera. I see somebody like when they hand me
7 their license and they're shaking like a leaf, to the
8 point where I've seen the card almost vibrate. I say,
9 "Hey, are you okay? I know I'm a police officer, but you
10 know, I know everybody's nervous around us, but I mean
11 it's okay. It's a traffic stop." I try to do my best to
12 de-escalate the situation, make light of the situation.
13 Because sometimes people are just nervous and it happens.
14 But I also look as what's their reaction.

15 I had one did the same thing, he kept looking
16 back, kept looking back, kept looking back, ended up
17 finding an ounce of spice and 6 grand of drug money in
18 the car. So that was just on behavior alone.

19 Q Okay.

20 A Another one I had that was recently this year,
21 a guy I asked him a question of when, and he looks at his
22 car, looks back at me and says, "What? There's nothing
23 in the car." I said, "I didn't ask what, I asked when."
24 And he challenged it, and we went from there. I ended up
25 finding 18 grand in money and a gun and some vape

1 cartridges.

2 Q Sure.

3 A So those are just behavior. Nervousness itself
4 could be anything. But you have to be -- you have to be
5 able to articulate what it is that they're doing that
6 makes it -- but I also just look at it as -- I don't just
7 base anything just off of nervousness. I also look at
8 how are you -- I'm going to ask baseline questions for
9 you, I'm going to figure out how you respond to certain
10 things. Then I'm going to ask some hard questions, like,
11 "Hey, is there anything in the car I should know about?
12 You know, because you're still kind of nervous." You
13 know, I've kind of let you know, like, hey, this is okay,
14 you know.

15 And then I'll just see how they respond to
16 certain questions. I've seen audible tone changes. I've
17 seen people cry. I've seen people just, just continue to
18 shake. I had one dude on a hot day just start shivering,
19 so -- and that's typically not normal.

20 Q So how do you tell what's not normal versus
21 what's idiosyncratic for a particular person?

22 I'll give you an example. I have really dry
23 eyes, especially when I'm getting tired or later in the
24 day I start to blink a lot. So how do you tell whether
25 that's just my unique personality tendencies or body

1 versus, you know, something that is a sign of guilt?

2 A I ask questions. Again, I don't just base it
3 on just like your body behavior. I also base it on how
4 you were responding to certain questions. I listen to
5 the interview.

6 Again, that goes back to am I going to search
7 this vehicle or not. Is it just something that I need to
8 go with or are they just really that nervous, or are they
9 just really that way. And if they're not, and I don't
10 see any reason to go further with it, here is a warning
11 or here's a citation, and let them on their way.

12 Q Okay. So that makes me ask a question, like
13 what prompts you to end the stop? Are there certain
14 responses or answers that you get that you say, okay, I'm
15 done here?

16 A Yes. Again, for me, like I said, it goes
17 mostly by behavior. When it came to certain, like the
18 gentleman with the money this year, him looking at his
19 vehicle, looking back at me. I had already knew that
20 there was an odor of marijuana in the vehicle, but again,
21 it goes back to training, knowledge and experience of
22 what I've seen. It could be again you stop ten cars in a
23 day, that one car -- car number 8 might be the car that
24 might have the illegal substance, illegal contraband in
25 it. And again, I do all that. But it's just training,

1 knowledge and experience over time.

2 Q Okay. So you just talked a little bit about
3 doing ten stops in a day. About how many stops would you
4 say that you do when you're working as a criminal
5 interdiction officer during a day?

6 A I couldn't tell you offhand. I've done one
7 stop and I've gotten narcotics out of it. I've done ten,
8 fifteen stops and got nothing.

9 Q Okay. And earlier today we talked a little bit
10 about how long a traffic stop generally runs when you
11 were a patrol deputy, 10 to 15 minutes; is that correct?

12 A It could be, yes.

13 Q So in general, a traffic stop without anything
14 untoward or suspicious, when you were a patrol deputy,
15 was approximately 10 to 15 minutes.

16 A Yes.

17 Q And when you're working as a criminal
18 interdiction officer, what would you say the average
19 traffic stop runs in terms of duration?

20 A So you mean as in like typical stop, as in like
21 no --

22 Q Yeah. How long does a typical stop run or last
23 when you're working criminal interdiction?

24 A About the same.

25 Q Okay.

1 A About the same. It really depends on my first
2 interaction with you.

3 Q Okay. And does that first interaction then
4 determine the rest of your interaction? Like if you,
5 if -- and I'll give you an example. Like our first
6 interaction, you've stopped me, pulled me over, and our
7 first interaction is I'm really, really nervous or, you
8 know, I keep stuttering or something along those lines.
9 Does that mean -- at what point do you say, all right,
10 I'm going to continue the stop? Or does that
11 automatically raise your flag?

12 A It can raise a flag, but at the same time,
13 that's why I ask further questions into it. And I see
14 how you are with certain questions. And at that point,
15 if I feel that there's nothing going on -- some people
16 are just nervous they have traffic warrants. Some people
17 are nervous they don't have a driver's license.

18 And again, that doesn't mean that, you know,
19 that you're guilty of anything. It just means that you
20 just have some type of behavior that is causing my,
21 catching my attention. So I might ask a few more
22 questions. And if that seems to calm you down a little
23 bit more -- I've seen it happen, "Yeah, I'm over here. I
24 don't have a license."

25 "Okay. Well, here's a warning. Hey, go, take

1 care of your stuff. Handle your business, and have a
2 nice day."

3 Q Okay. Have you ever heard of the term like
4 behavioral driving?

5 A Yes.

6 Q What does that mean?

7 A Just a reaction to certain things. Like for
8 me, I've seen people just in my mere presence have slowed
9 down, or they -- or not my mere presence, but the mere
10 presence of a marked patrol vehicle that they can
11 identify is some type of law enforcement vehicle. I've
12 seen people slow down, I've seen people slam on their
13 brakes, on the highway. I've seen people just -- I had
14 one incident where I caught a kid with some marijuana and
15 a gun. He basically started moving over lanes, like
16 making unsafe lane changes in front of -- in heavy
17 traffic, and cutting people off. So I would try to move
18 over with him. And to where I was safely able to make a
19 traffic stop and get away from there.

20 Q Okay. So how do you determine what's
21 behavioral driving that is a sign of guilt versus, you
22 know, he had to pee and he was trying to get off the
23 highway quickly? Like how do you determine that?

24 A Well, behavior driving doesn't mean you're
25 guilty. It just means that you committed a traffic

1 violation.

2 Q Okay.

3 A It could be in my presence. It could be, like
4 you said, a reaction in the car, something's going on
5 inside. We don't know, until we actually walk up to
6 that, until we walk up to the window.

7 Q Okay. When you're -- in your criminal
8 interdiction capacity, do you ever receive a tip to look
9 for a particular vehicle?

10 A Yes.

11 Q Okay. How do you get that tip?

12 A It really depends. Sometimes it can be a phone
13 call. Most -- 90 percent of the time it's always been a
14 phone call or we're on an operation with a task force.

15 Q Okay. Before you had the cell phone from the
16 Sheriff's Office, did other people on a task force or
17 other law enforcement entities know to call your cell
18 phone?

19 A They would get my number through some other
20 people that knew me.

21 Q Okay. So they would call your personal cell
22 phone and just let you know what's going on?

23 A Yes.

24 Q Okay. And what kinds of information does a tip
25 usually include?

1 A It can be, "Hey, I've got a vehicle coming up
2 from Eagle Pass and it's -- we've been" -- I guess you
3 would say for lack of a better term, "we've been watching
4 the vehicle. It has ties to possible smuggling. Can you
5 do a traffic stop for us?"

6 Q Okay.

7 A Simple as that.

8 Q And based on that information, do you do a
9 traffic stop?

10 A I go -- yes. But not on that information. I
11 still have to develop my probable cause to stop the
12 vehicle.

13 Q Okay. And when you have to develop your
14 probable cause to stop the vehicle, what does that mean?

15 A I have to look for a traffic infraction.

16 Q Okay.

17 A Or a violation of a traffic code.

18 Q Okay. So you get a tip from this other entity
19 to look for this vehicle, and then do you just follow
20 that vehicle until you get a traffic violation? What
21 happens?

22 A Usually, in my experience, I'll get -- when I
23 get the tip, I'll set up in the area and see if I can
24 spot the vehicle first. Sometimes that vehicle is
25 already gone -- it's already gone through. Sometimes you

1 might get lucky and it's pulling up within 2 minutes.

2 But like I said, again, I still have to develop
3 my PC. I don't want to stop -- if the car goes 5, 10
4 miles, and I'll call the agent, or whoever's given me the
5 tip, like, "Hey, this car's gone 5, 10 miles, I don't got
6 nothing on him. Do you still -- how far -- like how --
7 what is, you know, the reason for this, and what's going
8 on?"

9 And I let them explain to me how, you know, if
10 they want it stopped, how bad they want it, or if it's
11 something that they know is for sure going on.

12 Q Sure. And what do you mean by how bad they
13 want it?

14 A So a lot of whisper stops will tell us, "Hey,
15 we've been watching a vehicle. We know that there's --
16 that they're transporting something." They have been
17 doing their investigation, their research, their homework
18 on the vehicle. And they say, "We know that it is
19 currently transporting something. We have a confidential
20 informant that's given us the information that this is on
21 the way and it's tied to this vehicle."

22 So at that point, again, we still have to
23 develop the PC to stop the vehicle.

24 Q Now, let's say you've gotten a call, there's
25 high likelihood that this vehicle has some contraband in

1 it. The other agencies really want you to make this
2 stop. Have you ever had the experience where you just --
3 you wanted to stop this person, but you didn't see a
4 traffic violation happen?

5 A Yes.

6 Q And so what's the longest you have followed a
7 vehicle waiting for a traffic violation?

8 A I would say about 2 or 3 miles, and I've
9 called. I would tell them, like, "Hey, what do you --
10 what do you want? I can't get nothing on this vehicle.
11 They're doing everything right." And they'll tell me
12 either stay on it or let it go.

13 Q Okay. And then --

14 A And usually I'll say, "Hey, let's follow it
15 maybe another mile or two, see if anything happens. If
16 not, let it go."

17 Q Okay. So in total how long would you say that
18 you would follow that vehicle until you say, "All right,
19 there's no traffic violation here"?

20 A For a whisper stop, I give it -- I leave it up
21 to the agent itself.

22 Q I'm sorry, hold on. What's a whisper stop?

23 A Oh, I'm sorry. Like an intel stop,
24 information. A whisper stop is like the slang term for
25 information stop.

1 Q Okay. So a whisper stop is when you get a tip
2 from someone else.

3 A Yes. Yes.

4 Q Okay. Thanks. And based on this whisper, how
5 long do you give it before you say okay, I'm not doing
6 anything?

7 A I usually give it a few miles, and then I'll
8 call, "Hey, what do you want with this? How do you want
9 it?" Like "Well, this is what I see," I tell them.
10 "Okay, I'll give it" -- I go, "I got nothing. I can't, I
11 can't pull it over. You know, how far -- how much more
12 do you want to sit on this?"

13 Or they'll say, "All right" -- they'll tell us
14 "Hey, just back off, and we'll take over and we'll just
15 go from there."

16 Q Okay. When you're doing criminal interdiction,
17 what would you say are the most common offenses that you
18 stop a car for?

19 A Just moving violations. Mostly movement, but I
20 have seen some equipment violations as well. Again, it's
21 one of those I like to see more, more -- more movement
22 violations, because it's a possible reaction to my
23 presence. But I've also seen, like hey, he's doing this
24 and this while moving, but I also see this is also wrong
25 with the car, like window tint's too dark or the lights

1 are out on the vehicle, something, something equipment
2 violation. So that way I have, again, it's one of
3 those -- it's multiple violations for the reason for me
4 to stop that vehicle.

5 Q Okay. And would you say -- I mean, how often
6 would you say you stopped someone for speeding while
7 doing criminal interdiction?

8 A Not very often.

9 Q Okay. How often would you stop someone for
10 tailgating?

11 A Tailgating? I would say it depends on like
12 how, how often, how -- are they consistently tailgating,
13 or is it just that car in front of them slowed down and
14 they just happen to be stuck behind it.

15 Q Okay.

16 A So I would say not very often.

17 Q So from that it seems like, based on what you
18 just said, if it was just like a minor thing, just
19 slightly getting too close to someone, maybe they stopped
20 fast, they got close and then they let it go, you
21 wouldn't stop them for that? You wouldn't consider it
22 enough to stop someone?

23 A I would consider it is enough to stop someone,
24 but I also look for that other infraction, what else is
25 going on with this car.

1 Q Okay. Earlier today we talked extensively
2 about traffic stops in your patrol deputy role. How do
3 your traffic stops when you're in the criminal
4 interdiction context differ?

5 A They don't.

6 Q Okay.

7 A They're -- it's legitimately the same thing.

8 Q Okay. We talked a little bit about the fact
9 that you didn't have drivers come sit in your passenger's
10 seat until you were doing criminal interdiction earlier
11 today. Is that fair?

12 A Yes.

13 Q And why the change?

14 A It was a new -- it was a new, I want to say
15 tool. A new type of way of doing it that Deputy Babb had
16 shown me that I had seen -- I had also seen with other
17 instructors through courses I had taken. As a patrolman,
18 we never did it. Because some of the supervisors that
19 have never done that kind of work, kind of -- they frown
20 upon it, because they don't -- they're not trained or
21 versed in it.

22 What me and Deputy Babb started doing, because
23 Deputy Babb is kind of the one who trained me up on it a
24 little bit, and there -- I saw a little bit more benefits
25 to it as well. Safety, plus being on the highway. And

1 then also when you're on the highway, you don't feel like
2 you're shouting at somebody with all the cars passing by.

3 So it's more of a, one, professional, number
4 two, it's a safety thing. So they'll sit in the front.
5 And it's their option. We advise them, "You can have a
6 seat in the front." If they say no, it's a no. It's not
7 something that they have to do.

8 Q Okay. I want to take a couple of steps back.
9 You said the patrol supervisors kind of frowned upon it.
10 What did you mean by that?

11 A Because we have some supervisors that were
12 never patrolmen. They came -- they went to the
13 courthouse, worked at the courthouse, then tested, and
14 became investigators and then patrolmen -- supervisors.
15 Then you had some that ran traffic, never were proactive,
16 they just answered calls, became investigators, became
17 supervisors. So it really depends on the route of each
18 supervisor's --

19 Q And I get that. But what do you mean by a
20 supervisor frowned -- why would a supervisor frown upon
21 the idea of having a driver sit in your passenger's seat?

22 A Officer safety issue. Because when they sit on
23 the right side, if you're a right-handed shooter, that
24 person can reach for your firearm, if they -- and in the
25 case of interdiction, it has happened. They have shown

1 videos of troopers or officers or deputies fighting with
2 people that are -- I guess they're -- they know they're
3 about to get in trouble, or the possibility that they're
4 going to get in trouble, so they -- for lack of a better
5 term, they freak out.

6 Q Yeah. And I mean, I guess I can also see --
7 like, you know, you became a criminal interdiction
8 officer in 2020, the hay day of the pandemic. Putting
9 someone in your enclosed space opens you up to other
10 risks, you know, and you never know what your interaction
11 with them would be. So why, why make the decision to
12 have someone sit in your patrol car with you?

13 A So for me, it was a new way to try something
14 new. I guess, and like there's never a wrong way to eat
15 a Reese's. You know?

16 MR. WINDHAM: Hear, hear.

17 MS. HEBERT: Hear, hear.

18 A So there really isn't a wrong way to eat a
19 Reese's. Because again, it's -- with traffic and police
20 it can be done so many ways.

21 Q (By Ms. Hebert) Okay. You talked a little bit
22 about Deputy Babb training you on that practice. But you
23 started as a criminal interdiction officer long before he
24 did. Seems like you would be the guy teaching him the
25 ropes.

1 A So we, as -- as I've gone to these specialized
2 units, we learn from each other. Babb had -- has far
3 more training than I ever took when I was a patrolman. I
4 just happened to get lucky and catch the guy, you know,
5 for lack of a better term. I just, I was a crap magnet.
6 I just happened to find that thing.

7 I could -- still to this day, I can find that
8 one person who's going to give me problems, who's going
9 to be, who's going to run, who's going to cause issues.
10 Or I'm going to find the person that has that money or
11 has the dope, who has -- who's doing something illegal.
12 I just happen to be that person that just, it happens to
13 me.

14 Or I'm going to get a flat tire on the highway
15 in a high speed pursuit and my wheel's going to fall off.
16 That's literally the kind of person I am. If you ever
17 see that one person where you have that goofy person
18 stuff happens to, that's me.

19 So -- but like I said, I learn from everybody.
20 I try to learn from senior officers, I try to learn from
21 officers who have more knowledge, per se, in the field,
22 because they've done it. If they -- or they have some
23 type of information on it.

24 Q Okay. I get that. And we also talked a little
25 bit about -- you said it's the option for someone to come

1 sit in your patrol vehicle. It seems like it's not a --
2 when, you know -- it's not a question would you like to
3 come sit with me in my patrol car, but it seems more of a
4 guided direction. Is that fair?

5 A I -- whenever I instruct people, like, "Hey I'm
6 going to have you sit in my patrol vehicle." That's kind
7 of, as you say, guided direction. They have the option
8 to say, "Well, I don't feel comfortable doing that."
9 Which, "Okay, fine, you don't have to. We can do it out
10 here. And unfortunately, if it's out on the highway,
11 we're going to shout at each other." Not intentionally,
12 but it's just the way the volume is.

13 Q Okay. And have you had anyone say no?

14 A Yeah.

15 Q Like no -- what percentage of folks would you
16 say, say, "No, I'm not going to get in your patrol
17 vehicle"?

18 A I would say out of the whole time -- I used to
19 do that practice. I haven't done it in a while. I would
20 say maybe two or three people.

21 Q Okay. And then when folks refuse to get in the
22 patrol vehicle with you, what happened?

23 A I continued the interview out there.

24 Q Did you consider that suspicious when they said
25 no?

1 A No.

2 Q Okay. Has anyone ever talked to you about the
3 decision to have folks come sit in your patrol vehicle?
4 And by that I mean has any supervisor said, "Hey, Deputy
5 Gereb, this is fine, you can continue to do this," or
6 "You should stop doing this"?

7 A No.

8 Q Okay. So we talked earlier in the traffic, or
9 in the patrol deputy role about calling for a canine and
10 searches and things like that. How often would you say
11 you call for a canine unit in the, when you're working in
12 the criminal interdiction?

13 A I would say probably maybe 1 percent of the
14 time.

15 Q Only 1 percent of the traffic stops?

16 A Yes.

17 Q Okay. What would cause you -- what causes you
18 to call for a canine unit?

19 A It really depends on the interview, how, how --
20 again, how is the person acting, how is their behavior,
21 what's their reaction to certain questions.

22 If I feel like there's something that they,
23 that they, you know, deny consent, if I feel -- if I have
24 reasonable suspicion to go for the vehicle, then I just
25 ask for consent. And again, it all depends on how their

1 reaction and behavior is towards my interview questions.

2 Q Okay. And what do you mean by reasonable
3 suspicion to go for the vehicle? Can you explain to me
4 what that really means?

5 A So reasonable suspicion, any reasonable
6 suspicion for the vehicle, right, to do -- want to search
7 the vehicle.

8 Q Okay.

9 A But you still have to have probable cause to
10 enter it.

11 Q Okay.

12 A So if I have the reasonable suspicion that
13 somebody -- that this driver is in the commission of
14 something currently, and they're telling me no, but their
15 behavior is not -- their behavior and reactions to my
16 questions are not -- are still raising red flags, then I
17 will request a canine. And I only ask once.

18 Q Only ask once? Excuse me?

19 A If I ask you for consent to search the
20 vehicle -- if they ask me to clarify, I'll clarify what I
21 mean. And if they don't give me a clear answer, I tell
22 them it's either a yes or a no. And I know once they
23 tell me their answer, then I'll go from there.

24 Q Do you provide any kind of warning or context
25 when you're asking for a consent to search?

1 A Yes.

2 Q What do you say?

3 A So I'm asking to search from bumper to bumper,
4 top, bottom, any concealed compartments, any
5 compartments, any bags, backpacks, any purses, glove
6 compartments, center consoles, anything under the car,
7 you know, in the engine bay, trunk. I'll name all those
8 things off. And if they say yes, or nod their head yes,
9 then I'll go from there.

10 Q Okay. When you do call for a canine, is one
11 always available when you're working for criminal
12 interdiction?

13 A No.

14 Q Okay. Have you had a call for a canine while
15 working criminal interdiction where the canine was not
16 available?

17 A Yes.

18 Q And what happened after that?

19 A So I will go and give them the warning or
20 citation, and I'll cut them loose. And based on, on
21 training, knowledge and experience, they're going to --
22 eventually they're going to get caught, if in fact they
23 are indeed involved in some type of criminal activity.

24 Q Okay. And if the canine is able to come and
25 they do the sniff, how often would you say that the

1 canine alerts, in your criminal interdiction experience?

2 A In my criminal interdiction experience? I
3 think it's only been a couple of times they haven't
4 alerted.

5 Q They have not?

6 A Have not alerted.

7 Q So the vast majority of the time the canine
8 will alert?

9 A Yes.

10 Q Would you say -- could you give me an estimate
11 on percentage?

12 A Well --

13 MR. FRIGERIO: Objection, form.

14 A It's quite a -- it's quite a bit of times.

15 I --

16 Q (By Ms. Hebert) It's okay. If you don't know,
17 that's fine.

18 A I really don't know.

19 Q Sure. Just -- your other answer is fine.

20 Can you explain to me what a dog alert looks
21 like? And if you don't know, that's fine. I know you're
22 not a canine expert. I'm just asking, like you've
23 obviously seen a bunch of canine sniffs now. What does a
24 canine alert look like?

25 A The dog indicates to its handler that -- it

1 does some type of movement. The most common one I've
2 seen is sitting.

3 Q Okay. So if the dog sits, in your experience,
4 that's an indicator?

5 A That's up to the handler.

6 Q Okay.

7 A I let the handler -- I've seen it, and I let
8 the handler explain to me if it was indeed, in fact an
9 alert, or if it was just the dog -- I guess you could say
10 the dog being -- giving them some type of attitude.

11 Q Being a dog?

12 A Yeah.

13 Q Okay. Yeah. So, you know, you -- sounds like
14 from what I'm understanding you to say, and correct me if
15 I'm -- please correct me if I'm wrong -- you rely on the
16 handler to tell you if it's just a dog being a dog or the
17 dog's actually alerting?

18 A Yes. Because I have seen that the dog give --
19 not necessarily false alerts, but kind of give their
20 handler attitude, and they're being I guess not a good
21 dog. And so the handler has to regain control of the
22 dog. And I rely on that handler because the handler
23 knows that animal. And since the handler knows the
24 animal, he's going to be able to tell me yes, this indeed
25 was an alert or no, indeed that was not an alert.

1 Q Okay. When you say like giving the handler
2 attitude, help me unpack that, because I automatically
3 think of my toddler who like gives me attitude and the
4 attitude is very clear.

5 A Yeah.

6 Q But I have no idea what attitude from a canine
7 unit dog would look like.

8 A So I'll go back to the guy I had earlier this
9 year. It was a good alert obviously. The dog alerted.
10 Pretty much it leaned up on the car, and he would look at
11 the car, look at his handler, look at the car, look at
12 his handler. And when the handler would try to pull him
13 away, the dog would not move. It was like straight up
14 fighting him. Like, "It's here," you know. And he's
15 looking at him like -- you know, like, "Hey, stupid, how
16 much more" -- that's exactly the way he looks at him.
17 That dog I primarily work with a lot.

18 Q What's that dog's name?

19 A Maximus.

20 Q Okay.

21 A And that dog -- I work with that dog a lot.
22 And literally -- since I started interdiction, I've
23 worked with that dog quite a few times.

24 Q And what do you see with this dog? Does this
25 dog have attitude problems?

1 A No. No. He just -- I've seen him with two
2 different handlers.

3 Q Okay.

4 A And I've seen how he reacts to each handler.
5 And he usually gives a good clear -- he gives a good
6 clear alert.

7 Q Okay.

8 A If he's got something, it's there. And the dog
9 is trained.

10 Q And what does an alert look like in that
11 context?

12 A For him, it's sitting.

13 Q Okay.

14 A It's always been sitting. That's all I've
15 known him to do is sit.

16 Q Okay. How often would you say that when you do
17 a canine sniff and they alert, you find no contraband at
18 all?

19 A I couldn't tell you offhand. There have been
20 times that it has happened, and it could be that the
21 person had smoked, say, marijuana, and they had residue
22 in the car. That -- that does happen.

23 Q But how would you know if there was residue in
24 the car if -- I guess my question is, if the dog alerts
25 and you don't find anything in the car, how do you know

1 whether there was ever anything in the car?

2 A It could be residue as in like the odor, an
3 odor residue. It could be crumbs. It could be anything.
4 It could be something -- the person's clothes are stained
5 with an odor of marijuana.

6 Q Okay.

7 A So it could -- I've literally had people that
8 they never smoke in their vehicle, they've never smoked
9 weed in the car, but they just smoked at their home and
10 it's stuck on their clothes, and now I smell marijuana
11 coming out of their vehicle.

12 Q Obviously that's you, but I mean -- you
13 smelling them when they approach. But do you have any
14 indication that when you search a car following a dog
15 alert, that there actually was a trace amount of
16 something there? How do you identify that?

17 A What do you mean? As if there was any type of
18 narcotics?

19 Q Yeah. I mean, I guess the -- taking it a step
20 back, how do you know an alert wasn't just wrong?

21 A Well, that's for us to go through and -- again,
22 it's up to the handler. I go off what the handler tells
23 me.

24 Q Okay. And do you ever say something to the
25 handler to the effect of, "Hey, that doesn't really seem

1 like an alert to me," or "I don't think we should search
2 based on that alert"?

3 A No, because I don't know, I don't know what the
4 handler is -- again, I'm not a canine expert, so I rely
5 on his expertise.

6 Q Okay. So if the handler tells you, "Deputy
7 Gereb, that's an alert," you're not going to question
8 that?

9 A No.

10 Q Okay. I think I'd like to talk about the stop
11 that we're here for today --

12 A Yes.

13 Q -- for Alek Schott. And we talked a little bit
14 about it before. It happened on March 16, 2022. And I'd
15 like to just understand what happened for you on that
16 particular day. On March 16th, 2022, what was your
17 position?

18 A I was doing criminal interdiction. I was --
19 Deputy Babb was doing a search. So --

20 Q And we'll get to some of those specifics.

21 A Okay.

22 Q I want to just start with some of the
23 preliminary stuff. And on March 16th, 2022, who was your
24 supervisor that day during -- while you were patrolling?

25 A Sergeant Gamboa.

1 Q Okay. And what time did you come on duty on
2 March 16th, do you remember?

3 A I don't remember. I think we were either 8:00
4 to 4:00 or 9:00 to 5:00. I don't remember offhand.

5 Q Okay. Did you have a particular assignment on
6 March 16th, 2022, an area to cover or a role to fulfill?

7 A I don't recall. I know we were hitting IH 35
8 South.

9 Q Okay. And as far as you remember on March
10 16th, 2022, was that an ordinary workday or was there
11 anything that stuck out in your mind about that day?

12 A No.

13 Q No, it was not an ordinary day or --

14 A Oh, I'm sorry. It was an ordinary day.
15 Nothing stuck out.

16 Q Okay. And there are two offenses that I think
17 it would be better -- it would be helpful to understand
18 for the stop for Alek Schott. Based on your knowledge,
19 experience and prior work enforcing traffic violations,
20 what are the requirements for failure to maintain a lane?

21 A You're not maintaining a lane, you're swerving
22 either onto the shoulder, crossing the traffic lane
23 divider or they call it the fog line, or you're going
24 into another lane which you're crossing over the broken
25 stripe white lines, or double white lines, double solid

1 yellow line, whatever is dividing that lane and I guess
2 designating that to be a lane, if you can't maintain it,
3 you're going over, to either left or right. As long as
4 you're -- if you're over, you're over.

5 Q Okay. So if, you know, you go over once,
6 slightly, is that failure to maintain your lane?

7 A It depends on how far you go over.

8 Q Okay. So if you go out of your lane one time,
9 that could be failure to maintain your lane if what
10 happens?

11 A If you go over the line like you -- I'm sorry,
12 can you rephrase?

13 Q Yeah, yeah. I asked you if you go over the
14 line, if that could be failure to maintain your lane, and
15 you said it could be. So I'm asking you, when could it
16 be versus when couldn't it be?

17 A Okay. So simply touching the line doesn't
18 constitute failure to maintain lane.

19 Q Uh-huh.

20 A Going over the line is not maintaining that
21 lane.

22 Q Okay. So simply touching the line is not
23 enough?

24 A My -- no, it's not.

25 Q Okay. And how do you, how do you decide

1 whether to pull someone over for failure to maintain a
2 lane versus just let them go? And by that I mean like I
3 can see there's just a slight, you know, go outside of a
4 lane, and then they get back in their lane and they're
5 fine. So how do you make a decision whether it's enough
6 to stop someone?

7 You know, the other extreme is someone's
8 constantly swerving in and out of their lane. That seems
9 pretty clear. So somewhere between these two examples,
10 how do you make the decision, where do you decide? Is it
11 all the way, as soon as you cross the line, I'm going to
12 pull you over for failure to maintain a lane, or is there
13 somewhere in the middle?

14 A It's really officer's discretion.

15 Q Okay.

16 A So it could be one time, it could be five
17 times.

18 Q Sure.

19 A It really is on the individual officer's
20 discretion.

21 Q And how do you evaluate the failure to maintain
22 a lane? It seems like to me the easiest way to tell if
23 someone's failing to maintain their lane is to be driving
24 behind them and you see exactly where their wheels are.
25 Is that fair?

1 A You can see that, or you can see it if you're
2 stationary.

3 Q Okay.

4 A I had times where I've seen them when I was
5 stationary, seen people cross over the lines. I've seen
6 times when I'm moving they cross over the line.

7 Q So tell me about when you're stationary.
8 Because like give me an example of a time where you're
9 stationary and you saw someone, failure to maintain the
10 lane?

11 A So 35 South, I've been on the side of the
12 highway or in the medians where they have that emergency
13 turnaround, and I can see someone just cross -- or an
14 18-wheeler or somebody, their vehicle crosses over the
15 line and goes back over.

16 Q Seems like it might be difficult to see that
17 given the rate of speed from parked on the side of the
18 road. How -- just like how do you see it? Are you
19 looking at the front wheels? Are you looking at the back
20 wheels? What are you looking at to gauge where they are
21 in the lines?

22 A The wheels. The wheels typically carry the
23 car, so it's -- if you see the wheel go over, you're
24 seeing the bumpers go over.

25 Q Okay. And I'd like to learn more about your

1 experience with the stop of Alek Schott. At some point
2 during that stop you arrived to help assist Deputy Babb;
3 is that right?

4 A Yes, ma'am.

5 Q I think it would be helpful here, Daniel, to
6 pull up the --

7 A We don't need this anymore, right?

8 Q No.

9 A Okay. I just wanted to make sure.

10 MS. HEBERT: Sorry. I apologize. Let's take a
11 brief bathroom break while we get this set up.

12 THE REPORTER: Okay. We're off the record.

13 (Recess from 2:20 p.m. to 2:29 p.m.)

14 THE REPORTER: We are back on the record.

15 Q (By Ms. Hebert) Before we get started here, I
16 just want to clean up a couple of other things. How do
17 you know what the mission of the criminal interdiction
18 unit is?

19 A What do you mean?

20 Q How do you know what the purpose is? Have you
21 seen any documents or has anyone ever said to you,
22 "Deputy Gereb, this is our mission critical"?

23 A No, not -- not necessarily anything written on
24 paper or anything in -- that has been specifically said.
25 But we've been told that we have multiple roles. But our

1 primary thing is we're going to try to knock down
2 smuggling. Because typically that's what interdictions
3 do. They're involved in any type of smuggling.

4 Q Smuggling?

5 A Of contraband. Contraband, narcotics, guns,
6 money, humans, anything.

7 Q And do you get emails from Sergeant Gamboa
8 about criminal interdiction?

9 A Normally, no. If I have a question for him,
10 I'll call him.

11 Q Okay.

12 A Or he'll call me. We'll -- we try to get
13 things done as easy as possible.

14 Q Okay. And you talked a little bit about
15 smelling marijuana. Do you know how to smell the
16 difference between hemp and marijuana?

17 A No.

18 Q Okay. Do they smell the same, or do you just
19 not know?

20 A They usually smell the same.

21 Q Okay. We talked a little bit about the failure
22 to maintain a lane and the wheels, and you looking for
23 where the wheels are. What happens if you can't see the
24 wheels? Does that mean you can't see a failure to
25 maintain a lane?

1 A So you can -- if -- you can see a vehicle right
2 under the vehicle -- you can see the tires, you can see
3 the gap between the car and the ground. Okay? And you
4 can see those front wheels, and then sometimes too the
5 car itself you just see that front bumper go over the
6 line, and that's over the line.

7 Q Okay. So help me break that down. If you
8 can't see the wheels, you look to what?

9 A I look to the bumper, and I, I gauge, look
10 down, and still look for that front wheel, wherever it's
11 going.

12 Q Okay.

13 A So if I can't see the wheel, then it's not --
14 again, I don't see the bumper, I don't see anything
15 that's actually physically noticeably crossing over the
16 line, then I don't, I don't look for it. I don't -- I
17 would see if there's anything else going on with the car,
18 but other than that, I won't look for that.

19 Q Let me just clarify that because it got a
20 little confusing. If you don't see the wheels or the
21 bumper going over the line, you won't make the stop for
22 failure to maintain?

23 A No.

24 Q Is that what I --

25 A Yes.

1 Q -- understand you correctly?

2 And if you can see the wheels and the bumper
3 but you can't see the line, does that matter?

4 A What do you mean, like if the car is on the
5 line.

6 Q No. If you can see like -- let's say you're --
7 I can imagine the situation where you're far enough away
8 that you can see the car.

9 A Yeah.

10 Q You can see the bumper, you can see the wheels,
11 but you have no idea where the car is in relation to the
12 lines, besides he's on the road. Is that fair?

13 A No, because you're supposed to see the line.
14 That's what -- that's what divides the marks --

15 Q For sure.

16 A -- the unit, the --

17 Q I'll take a couple steps back. Let's say
18 you're parked somewhere, you're stationary.

19 A Okay.

20 Q You're in your patrol vehicle. Let's say
21 you've got the highway, the grass median strip, an access
22 road. You're over here on the other side of the access
23 road. Maybe you're at Chili's in the Chili's parking
24 lot. The highway's over here. You can see the cars over
25 here running on the highway.

1 A Yeah.

2 Q But you can't see the lines from all the way
3 over there. Would you be able to decide whether someone
4 had failed to maintain a lane, without seeing the lines?

5 A Well, no. You've got to be able to see it.

6 Q Okay. So you have to be able to see the lines
7 to be able to tell if the car has failed to maintain a
8 lane. Is that fair?

9 A Yes.

10 Q Okay. And you don't -- you were telling me you
11 don't have to be able to see the wheels to tell if a car
12 failed to maintain the lanes. You can do it based on the
13 bumper?

14 A Well, you can see that the car is going over
15 the line. If the car is over the line, it's over the
16 line.

17 Q Sure.

18 A And that's -- that's usually because it's
19 failing to maintain a line.

20 Q Okay.

21 A I -- in my, the way I personally use that
22 discretion is I like a clear offense. I like a clear and
23 visible offense.

24 Q Sure.

25 A I don't like to do questionable stuff. And

1 that's just me.

2 Q Yeah. And does that mean that you know other
3 officers are okay with a little more questionable items?

4 MR. FRIGERIO: Objection, form.

5 A I don't -- I don't -- I don't know. I don't
6 speak to them -- for them.

7 Q (By Ms. Hebert) Sure.

8 A I speak for myself as far as how I like to do
9 things.

10 Q Sure. All right. I'd like to take a little
11 bit -- a look at some footage here. And we just -- we
12 talked about the fact that earlier -- earlier today we
13 talked about the fact that on March 16th, 2022, you at
14 some point arrived to assist Deputy Babb with a stop.

15 Let's -- let's watch this footage. And we're
16 going to mark this as Exhibit 3, I think is our number.

17 MS. HEBERT: Okay. Let's watch from the
18 beginning to about 33 seconds, if that's okay, Daniel.

19 (Video playing.)

20 MS. HEBERT: Okay. That's good.

21 Q (By Ms. Hebert) Do you recognize this footage?

22 A Yes.

23 Q And what is it?

24 A My recording of my body cam.

25 Q Was this the recording of your body cam from

1 March 16, 2022?

2 A Yes, ma'am.

3 Q In this footage, in the clip that we just
4 watched, it seems like you arrived to the place on I-35
5 where Deputy Babb stopped Alek Schott. Is that your
6 understanding of what was happening in this part of the
7 video and your recollection correct?

8 A Yes, ma'am.

9 Q Okay. Let's look at the -- there's some
10 numbers up in the right-hand corner of the screen. The
11 first number at the very top, 2022-03-16, that seems like
12 the date to me. Is that correct?

13 A Yes.

14 Q What is the next number?

15 A I believe that's going to be Zulu time.

16 Q Zulu time?

17 A Yes.

18 Q Okay. Tell me what Zulu time is.

19 A It's the part of the world where that time is
20 at.

21 Q Okay.

22 A It's -- so I recently learned that.

23 Q Yeah.

24 A I recently learned that, because I had no idea.
25 I thought the cameras were just off on the time. It's

1 Zulu time. And I'm not familiar where, which -- but I
2 know there's -- because I used to know this, because when
3 I was military, they taught us this. But that's what
4 they call Zulu time. So it's a particular part of the
5 world where that's at.

6 Q Okay. So that -- maybe everybody else already
7 knows this. But so that's a particular time stamp. And
8 it is -- in your experience, is that time stamp then
9 accurate based on Zulu time?

10 A I don't know. I don't know Zulu time as far as
11 that.

12 Q Okay. So -- how do you, how -- do we know how
13 much the Central Time is off of Zulu time? Like what
14 time is that in Central Standard Time?

15 A Central Standard, it would be 5:05 p.m.

16 MR. FRIGERIO: It's just military time.

17 A Yeah, that would be --

18 Q (By Ms. Hebert) So this would be 5:05 p.m.?

19 A That's what I -- yes.

20 Q Okay. And was this date -- are we sure that's
21 right? Because this stop doesn't seem like it was at
22 5:00 p.m.

23 A No, that's -- I don't think that it's timed
24 here.

25 Q Okay.

1 A I believe that the time is -- it fixes itself
2 when it gets uploaded, but it's not that --

3 Q Okay. Maybe my question was unclear. If
4 that's, if that's military time or that's 5:00 p.m. Zulu
5 time, what time is that here? Do we know?

6 A Don't know.

7 Q Do you know what time that is Central Time?

8 A Time? No.

9 Q Okay. That's what I was trying to sort out,
10 how it matched up.

11 A Okay.

12 Q I want to go back a minute. Before you arrived
13 to assist Deputy Babb, how did you learn that Deputy Babb
14 needed assistance?

15 A He didn't necessarily ask for assistance. I
16 just -- sometimes we just show up and help, or we show up
17 and see if they need help.

18 Q Okay. So what prompted you to make that
19 decision?

20 A I don't recall. Usually it's if I hear
21 someone's doing a search and they're -- especially them
22 being on 35, I'll show up anyway just for the assistance,
23 at least traffic control, to help put -- because that way
24 they're not going to get hit by an 18-wheeler.

25 Q So if you see someone -- if you see another

1 officer made a stop on 35, are you going to go assist
2 them?

3 A If I'm available, yes.

4 Q Okay. Seems like there are a lot of stops on
5 35. Does that mean that ordinarily you would go assist
6 every time there was a stop if you were available?

7 A No. I wouldn't assist all the time. But if
8 I'm available and I'm nearby, I'll go make a stop.

9 Q Okay. And what would you consider nearby?

10 A A few miles. Five, maybe ten miles.

11 Q Okay.

12 A It doesn't take -- on 35, it doesn't take that
13 long to get there.

14 Q If location records from the Sheriff's Office
15 indicated that you were downtown near East Chavez and
16 South Flores Street, would you have any reason to think
17 you were at a different spot?

18 A As in to correlation where he was located?

19 Q Yeah. So if the location records from the
20 Sheriff's Office on March 16th, 2022, said that you were,
21 before you headed south on I-35 at East Cesar Chavez and
22 South Flores, would you have any reason to think that
23 wasn't right?

24 A I'm having a hard time understanding what
25 you're meaning.

1 Q Okay. If there are documents that we received
2 from the Sheriff's Office --

3 A Okay.

4 Q -- that say Deputy Gereb was at this location,
5 which was Chavez and Flores -- do you know approximately
6 where that is downtown?

7 A Chavez is --

8 Q East-west and crosses Flores.

9 A I'm trying to figure out where the map is at.
10 Yeah. But --

11 Q I think it's near the HEB off --

12 A No, that's right there by the courthouse. It's
13 by the parking garage.

14 Q So if the Sheriff's records office said that
15 you were in the downtown area, would you have any reason
16 to say that that was not right?

17 A I don't know. I don't know if I had pretrial
18 or court that day.

19 Q Sure.

20 A I don't recall.

21 Q Sure.

22 A But if I was in that area, that means I was
23 typically at court.

24 Q Okay. So you were in the, maybe the court
25 area. And you don't remember if you were at court

1 beforehand or not?

2 A No.

3 Q Okay. And do you remember how you learned that
4 Deputy Babb had made a traffic stop?

5 A It usually puts on the radio. You know, people
6 communicate or you look -- so if I'm in a certain area,
7 I'll look to see where my partners are at, just to kind
8 of gauge, you know, how far they're out, or where they're
9 nearby or where they're working.

10 Q Okay. So you'll look on the map to see where
11 they are?

12 A Yeah.

13 Q And so you saw maybe the general area, but how
14 did you know that Deputy Babb made a traffic stop?

15 A It will, it will -- so whenever anybody --
16 either an officer initiated or a call comes out, a flag
17 pops up.

18 Q Okay.

19 A And it will say "traffic stop" or "officer
20 initiated" and that's usually how we know.

21 Q And did you, you could see that it was Deputy
22 Babb who had made this traffic stop?

23 A Yes.

24 Q Did you drive then to where Deputy Babb had
25 made the traffic stop?

1 A Was I -- I'm trying to understand what timeline
2 you're looking at.

3 Q No, I'm just trying to break it down. How did
4 you get there? How did you get to where Deputy Babb was?

5 A I drove there.

6 Q Did you activate your lights?

7 A Yes. When I got there, I activated my lights
8 when I was pulling up, for traffic control.

9 Q Okay. So if you activated your lights, does
10 that mean the dash cam started recording?

11 A Yes, it started recording.

12 Q Okay. And to your knowledge, did your dash cam
13 capture any footage of your drive from downtown to
14 wherever Deputy Babb was?

15 A Again, I don't recall being downtown.

16 Q Sure.

17 A So I don't know if I, if I was at downtown, if
18 I rolled up to Deputy Babb, I don't know.

19 Q Okay. Well, where --

20 A If we're looking at this video, this was on the
21 northbound side.

22 Q Sure.

23 A So if I'm coming up from there, I had to come
24 from way towards the south to get up to him.

25 Q Sure. But regardless of where you came from,

1 if you activated your lights, you would have dash cam
2 footage from wherever you came from.

3 A It should, yeah.

4 MS. HEBERT: Okay. I think there's another
5 document that might help us, Daniel. I'm sorry to --

6 MR. NELSON: No, you're good.

7 MS. HEBERT: -- disrupt you. Would you mind
8 pulling up AA? Let's mark that as Exhibit 4.

9 MR. NELSON: I'm going to actually put this one
10 on top. Is that okay?

11 MS. HEBERT: Sure.

12 MR. NELSON: Just where it's not in the way.

13 Q (By Ms. Hebert) Would you take a look at this,
14 Deputy Gereb? And I'll represent to you that this is a
15 version of the document that we received as Bates labeled
16 169. So we received this from the Sheriff's Office.
17 This is printed to one page so that we can see it, but
18 they gave it to us in an Excel format.

19 And I know it's very small. So if we need to
20 like get a magnifying glass out, I'm sure we can figure
21 something out.

22 But I want to skip to there -- you see the top
23 where it says -- the black, there's like a black row at
24 the top.

25 A Yeah.

1 Q Can you tell me -- do you know what this
2 document is?

3 A No.

4 Q Okay. Then let's skip down to one, two, three,
5 four, five -- no, four. Do you see where it says 5I11?

6 A Yeah.

7 Q And then you see your name next to that?

8 A Yes.

9 Q What does 5I11 mean?

10 A That's my call sign.

11 Q What does the 5 stand for?

12 A I don't know why they put 5. That's --
13 typically that's special units.

14 Q Okay. Do you know what the I stands for?

15 A India.

16 Q Okay.

17 A They call it India for interdiction.

18 Q Okay.

19 A And then 11 is just a number.

20 Q For 5 Interdiction 11?

21 A So 5 India 11.

22 Q So you don't say the I; you say India?

23 A Yeah.

24 Q Okay. So the next one -- or two down, 5K18,
25 you would say 5 what? What do you say for K?

1 A Kilo.

2 Q Kilo. So I get the context now. 5 India 11 is
3 what your call sign is?

4 A Yes.

5 Q Okay. And the next line looks like -- or going
6 back to where your name is, the next column says 5 India
7 12, and then the next column says Joel Babb. Is that
8 fair?

9 A Yes.

10 Q So does that mean that you contacted Joel Babb?

11 A Yes.

12 Q And is the -- the next column looks like a time
13 stamp of whatever that was sent. Is that fair?

14 A Yes.

15 Q And we're going to skip over the Message
16 Subject. The Message Text says, "OMW."

17 A On my way.

18 Q And that means on my way?

19 A Yes.

20 Q Okay. And so reading all of this together,
21 does that mean that at 11:32 you sent Deputy Babb a
22 message that you were on your way?

23 A Yes.

24 Q Okay. So at your time that you sent this
25 message, "On my way," what did you understand to be

1 happening? Why did you send that message?

2 A I honestly don't recall.

3 Q Okay.

4 A If I was downtown, it could be I'm on my way to
5 the working area.

6 Q Okay.

7 A If it -- if I was -- if it was a search, I was
8 telling him I'm on my way.

9 Q Sure. And do you remember if Deputy Babb asked
10 for your assistance?

11 A No, I don't recall if he asked for it or not.

12 Q Is it normal for you -- or at the time was it
13 normal for you to just go assist Deputy Babb if he made a
14 traffic stop?

15 A Yes.

16 Q Okay. And was that, would you say -- how often
17 would you say you went to assist Deputy Babb when he made
18 a traffic stop?

19 A Well, we assisted each other. The issue was
20 there was only two of us. And we still had to cover each
21 other.

22 Q Okay.

23 A So if something does happen to him, you know, I
24 got to be nearby.

25 Q Sure.

1 A And same thing, vice versa. There are cartels
2 known to go up and down 35 in that area. We -- one of
3 our deputies a few years back got shot at by the Gulf
4 Cartel. So it's not -- even though he might relatively
5 be safe, it's still something we go out there and help
6 out.

7 Q Sure. So does that mean if Deputy Babb made a
8 traffic stop, you were going to be there to assist him in
9 some capacity?

10 A If it needed -- if it warranted, yeah.

11 Q Well, I guess how do you tell if it warranted
12 it versus didn't? That's what I'm trying to figure out.
13 Is it all the time that you -- when Deputy Babb makes a
14 traffic stop he comes to help you and you make a traffic
15 stop and Deputy Babb comes to you --

16 A No.

17 Q -- or are there times where you have to make a
18 decision?

19 A You have to make a decision. It's a
20 determining factor. If he says he's going to do a
21 search, and then -- I'll come, pull up behind him, and
22 just kind of either let him do his search, and I'll just,
23 you know, be there for security and conduct traffic
24 control.

25 Q Sure.

1 A Or depending on what -- it really depends on
2 what he has.

3 Q Okay. So he would let you know kind of what's
4 going on, and then you would make the decision if you
5 needed to go help him?

6 A No. I would just show up and say what do you
7 need.

8 Q Okay. So if Deputy Babb -- let me ask this
9 again. If Deputy Babb made a traffic stop, would you go?

10 A Not all the time.

11 Q And so if it's not all the time, how did you
12 decide to go to where Deputy Babb was or not?

13 A If he was doing a search.

14 Q Okay. And at what point would he say "I'm
15 doing a search"?

16 A Sometimes he would notify on the radio, "I am
17 doing a" -- some type of search.

18 Q Okay. So you wouldn't go -- for a traffic
19 stop, you wouldn't go assist Deputy Babb for a traffic
20 stop where he just pulled someone over for speeding and
21 then let them go.

22 A No, no.

23 Q Okay. You're only going to go assist Deputy
24 Babb if there's a search that's going to be happening.

25 A Yes. But I would also show up too just to

1 check on the status. If he's been on a stop for a little
2 longer than usual --

3 Q Uh-huh.

4 A -- I would go over, show up, make sure he's
5 okay, and if he didn't need anything.

6 Q Okay. Sure. Let's look at another document.

7 MS. HEBERT: Daniel, I'm sorry to --

8 Q (By Ms. Hebert) So let me just ask one more
9 question about this exhibit. And this was Exhibit --

10 A 4.

11 Q -- 4. Exhibit 4, in the Message Subject place,
12 the second line, it is -- let's look at the, let's see,
13 one, two, third row. It starts with 5 India 12, Joel
14 Babb, Control. And then let's go to the Message Subject.

15 I see there is a line, "Person Check -
16 H [REDACTED], J [REDACTED]," a number, "true," some more
17 information. And then it says, "Unit 5 India 12 received
18 a hit at location," and then a location.

19 Did I read that correctly?

20 A Yeah.

21 Q And what does "received a hit" mean?

22 A Okay, if you see they received a hit,
23 they're -- they received some type of intel, or they ran
24 something and they sent the information back to them.

25 Q Okay. So help me understand. They ran

1 something? They ran a check?

2 A They ran -- they possibly ran a check and it
3 alerted to something, like --

4 Q What kind of alert?

5 A It could be anything. Commonly, if I run a
6 vehicle, it could be -- received an alert for, or I guess
7 how you say, like vehicle stolen or not stolen, anything
8 of that nature. Or just running a vehicle in general.

9 Q Okay.

10 A But this looks like the on-board messaging
11 system that runs through our CAD.

12 Q Uh-huh.

13 A That's what it seems like it's doing.

14 Q So these aren't your CAD logs?

15 A No, no, no. This is --

16 Q How would you describe it?

17 A That person to person, that internal message I
18 guess.

19 Q Internal messaging?

20 A Yes.

21 Q Okay.

22 A So I don't know what this is about.

23 Q Sure.

24 A But looks like he ran it, checked the name.

25 Q Okay. Let's look at another document. Let's

1 look at L. And this will be Exhibit 5. Can you take a
2 look at this document, once Daniel passes it over to you,
3 can you -- once you get a chance to look at it, can you
4 tell me what it is?

5 A It's the Incident Detail Report for the --
6 pretty much the report from the key card.

7 Q Okay. This is where the key card notes?

8 A Yes.

9 Q This is what we were talking about earlier.
10 And is this the report that was generated from those key
11 card notes?

12 A Yes.

13 Q Okay. And just to take a step back for a
14 second, when you have a traffic stop, you have a SPEARS
15 summary, if -- if it's created, like if there's an
16 incident?

17 A It's supposed to be always created.

18 Q So you have a traffic stop, you're supposed to
19 have a SPEARS summary?

20 A Yes.

21 Q Will you have an Incident Detail Report?

22 A Yes.

23 Q Any other documents that come with a traffic
24 stop?

25 A It could be a traffic citation, or a copy of

1 the citation or warning.

2 Q Okay. So a copy of the, some document of the
3 citation, which I think we might have. We can take a
4 look at that in a minute. And then I've seen somewhere
5 like a moving violation document. Does that ring a bell
6 at all?

7 A No.

8 Q Okay. So in order, in like the universe of
9 documents for a traffic stop, you would expect there to
10 be three documents, the SPEARS summary, the Incident
11 Detail Report, and the citation, assuming that a citation
12 was issued or a warning was issued?

13 A Yes.

14 Q Anything else that I'm missing?

15 A Not that I can recall. Not on a typical stop.

16 Q That's fine. I just wanted to make sure that I
17 was understanding all that.

18 How was the Incident Detail Report created?

19 A So all this is generally from -- well, the key
20 card was initiated. So if you look on here, it talks
21 about longitude and latitude. That's, that's where on
22 earth he was at when that was created. So it will tell
23 you the time, who initiated it, what, what location we
24 were at, the disposition of it.

25 Q Okay. So to stop you there then, it seems like

1 what you're telling me then this is automatically
2 created.

3 A Yes.

4 Q And it runs off of data from the patrol
5 vehicle.

6 A Yes.

7 Q Is that all fair?

8 A Yes, ma'am.

9 Q Okay. Can we start at the top and work our way
10 down? We talked about the title. Data Source is data
11 warehouse. I assume that's like some kind of database
12 that the Sheriff's Office has. Is that fair?

13 A Yes.

14 Q The incident status closed. Incident number,
15 we would expect the incident number to match whatever the
16 incident number is on the SPEARS summary. Is that fair?

17 A Yes.

18 Q Okay. And then if there was a case number, it
19 would be here?

20 A Yes, ma'am.

21 Q Okay. The incident date was the date we've
22 been talking about, March 16th, 2022. And I see
23 11:15:08. What would that time indicate to you?

24 A The time it was initiated.

25 Q Okay. Initiated. And this next line, the

1 report generated, I see right now in there, in that field
2 is 9/14/2023, 14:05:29. Am I reading that correctly?

3 A Yes, ma'am.

4 Q What does that line mean?

5 A That means there was a report generated on that
6 date.

7 Q Okay. So that's when this report was printed
8 out from the data warehouse or downloaded from the data
9 warehouse?

10 A I couldn't tell you.

11 Q Sure.

12 A I don't know.

13 Q Okay. So walking through some of this, I want
14 to look briefly at the time stamps. I'm going to skip to
15 the time stamps here. What does this section of the time
16 stamps show you?

17 A Description, phone pick up, first key stroke,
18 in waiting queue, call taken complete, first unit
19 assigned, first unit en route, first unit arrived,
20 closed.

21 Q All right. So what does "in waiting queue"
22 mean? What does that mean?

23 A I couldn't tell you. I don't know. If it's
24 waiting -- I couldn't tell you offhand.

25 Q That's okay.

1 A I don't know.

2 Q Let's go to the section on the right of the
3 same part of the page, lapsed times. At the very bottom,
4 incident duration. I see 1:16:12. Does that mean that
5 the traffic stop lasted an hour and 16 minutes? Do you
6 see what I'm talking about?

7 A Yes. Yes. I believe, yes, that's incident
8 duration.

9 Q Okay. And let's look at Resources Assigned,
10 which is the next section down from time stamps. Reading
11 here, we looked at earlier you are 5I11; is that right?

12 A Why.

13 Q And 5I12, who is that?

14 A That would have been Deputy Babb.

15 Q And then 5 Kilo 18, who is that?

16 A That's Deputy Molina.

17 Q Okay. And based on this time stamp, it says
18 that you were assigned at 12:22; is that right?

19 A Yes.

20 Q And then you were on -- en route immediately,
21 right after you assigned it, 12:22:36; is that right?

22 A Yes.

23 Q And then it looks like at the very end there's
24 like a complete column, and it seems that the stop was
25 complete for you at 12:22:48.

1 A So I don't --

2 Q Is that right?

3 A Yes. That's what I was looking at. So I don't
4 know if the, when I arrived, if dispatch had assigned me
5 or not.

6 Q Sure.

7 A But I know I assigned myself to the key card.

8 Q Okay. So at some point you got assigned, but
9 you don't know exactly when?

10 A Yes.

11 Q And the personnel assigned, the next kind of
12 section, I see that it's got your unit and your names
13 again. What's the number in the parentheses?

14 A That's our -- that's the Bexar County law
15 enforcement, and that's our employee number again.

16 Q Okay. So just kind of looking at two documents
17 together, can you look at Exhibit 4? Remember how it
18 said you were on your way --

19 A Yes.

20 Q -- at 11:32. And then this says you were on
21 your way at 11:22. Why the difference?

22 A You mean 12:22?

23 Q Yes. Sorry. Let me just say that again just
24 so I can be clear.

25 In Exhibit 4 you sent the message that you were

1 on your way at 11:32. And then this document, Exhibit 5,
2 says you were on route at 12:22. Why the difference?

3 A So 12:22, again that could have been when I
4 was -- either I wasn't assigned or I had to reassign
5 myself to the call, because there have been times that
6 you could tell dispatch, hey, I'm on the way to, say like
7 to Deputy Babb, or -- and they didn't hear you for
8 whatever reason or they didn't assign you. So you assign
9 just to let them know, hey, I was here.

10 Q Okay.

11 A And then also on this one, I don't know where I
12 was at at 11:32.

13 Q Sure.

14 A So at that point, you mentioned I was downtown.
15 I don't know if I was downtown or not. I don't recall
16 how that day went.

17 Q Sure. Let's look back at your body camera
18 footage.

19 MS. HEBERT: Daniel, are you ready for that?

20 Q (By Ms. Hebert) Let's watch the same clip again
21 from 0 to 33.

22 MR. WINDHAM: Just what exhibit is this?

23 MS. HEBERT: This is Exhibit 3.

24 MR. WINDHAM: Okay.

25 MS. HEBERT: The time stamp is 0:00 to 0:33.

1 (Video playing.)

2 Q (By Ms. Hebert) Okay. So we just saw you come
3 up -- to recap what we just watched, we saw you come up
4 to where Deputy Babb was on the side of Alek Schott's
5 truck. Is that fair?

6 A Yes.

7 Q And we saw you have a brief exchange with him.
8 And then you walked around to the back of the truck; is
9 that correct?

10 A Yes.

11 Q The audio isn't captured of your conversation
12 with Deputy Babb. And is that because you activated your
13 camera, but it wasn't still catching up before it
14 captured audio?

15 A So I hadn't activated my camera yet. Because
16 usually I'll go, "Hey, what do you need?" If you need
17 something, then I'll stay and activate my camera and get
18 it going. But it's also a buffering period where it will
19 come back a minute to -- 30 seconds to a minute before
20 you press your audio again.

21 Q Okay.

22 A So it will play -- before you press the button,
23 it will still be recording 30 seconds to a minute
24 beforehand, without audio.

25 Q So it's kind of like it grabs back the last

1 couple of seconds before you pressed the activation
2 button?

3 A Yes, ma'am.

4 Q So when we hear the beep, that's when you
5 pressed the activation button?

6 A Yes.

7 Q So you didn't press the activation button when
8 you came up to talk to Deputy Babb?

9 A I don't think I did.

10 Q Sure. No, it's fine. I'm just trying to
11 understand how the camera works.

12 A Yeah.

13 Q So you pressed the activation button when you
14 were about to search the car.

15 A Yes, ma'am.

16 Q Okay. I think that we actually have some of
17 that conversation captured by Deputy Babb's body camera.

18 MS. HEBERT: Would you mind pulling up that
19 exhibit, Daniel? It would be Exhibit H.

20 MR. NELSON: Yes.

21 MS. HEBERT: And we're going to look at the end
22 of this clip. I think it's about a minute or so. It
23 will be at a minute 51, through to the end. It's a
24 video, Daniel.

25 MR. NELSON: Oh.

1 MS. HEBERT: We're at the video. Exhibit H is
2 a video.

3 MR. NELSON: Okay.

4 MS. HEBERT: It's -- I'll show you, this one.

5 MR. NELSON: Babb Body 1?

6 MS. HEBERT: Yes.

7 MR. NELSON: Just for future reference, if you
8 could reference them as that, because they're not
9 listed --

10 MS. HEBERT: Sure.

11 Q (By Ms. Hebert) And we'll watch from minute 51
12 to the end.

13 MS. HEBERT: I've given my colleagues my cold,
14 so sorry.

15 MR. NELSON: 51 minutes?

16 MS. HEBERT: Yeah, minute 51. 51:00 to the
17 end. That's fine right there.

18 (Video playing.)

19 MS. HEBERT: Daniel, can you pause it? We need
20 to turn up the volume.

21 MR. WINDHAM: It's right there too. Just turn
22 that up.

23 MS. HEBERT: And we need to go back a little
24 bit.

25 MR. NELSON: That's okay. I can start it over.

1 (Video playing.)

2 MS. HEBERT: Okay. You can stop it there.

3 Q (By Ms. Hebert) From what we just saw it seemed
4 like you came up to Deputy Babb and you had a brief
5 conversation. Is that fair?

6 A Yes.

7 Q And I want to break down that exchange with
8 Deputy Babb. What did you understand Deputy Babb to mean
9 when he said, "It's, uh, one of the vehicles from that
10 thing"?

11 A As part of we were getting information.

12 Q I'm sorry, I didn't hear that.

13 A It's part from the task where we were getting
14 information from. There are southern counties and stuff
15 that will send us information that, that vehicles are
16 possibly involved in the smuggling. So again, it's up to
17 us, we have to approve and investigate that.

18 Q Okay. So from your understanding, you
19 understood Deputy Babb to be saying he got information
20 from somewhere that it was a vehicle that he needed to
21 investigate?

22 A That possibly might be involved in smuggling.

23 Q Okay. And what did you understand Deputy Babb
24 to mean by he was riding tandem?

25 A Usually, when they say they might be riding

1 tandem, meaning that there's more than one vehicle
2 involved. Typically, in the smuggling world, they're --
3 you'll have a scout vehicle, and then you'll have your
4 load vehicle, and then you might have another scout
5 vehicle, to see where we're at.

6 Q To see where who is at?

7 A Law enforcement.

8 Q Okay.

9 A So that's typically -- it's a pattern or trait.
10 Sometimes they send -- they've been known to send bait
11 vehicles to see what we do. They've been sent -- they're
12 doing their homework on us, just as we're doing homework
13 on them.

14 Q Okay. And what did you understand Deputy Babb
15 to mean by he checked out a bunch of places?

16 A On that one, from the video, I don't recall him
17 saying that offhand.

18 Q We can watch it again.

19 A No, no, from the video I remember. But offhand
20 on the scene I don't remember him saying that. But if
21 he's saying he checked out a bunch of places, it means he
22 either ran Vigilant on him or he checked him through a
23 border crossing. I didn't ask that part.

24 Q Okay. So there was some record that Alek
25 Schott had been a bunch of places?

1 A Yes.

2 Q It seems like I heard you tell Deputy Babb that
3 I was sitting waiting for that white Chevy.

4 A Yes.

5 Q What did you mean by that?

6 A I had also received information about a white
7 truck possibly coming in.

8 Q Okay. Do you remember how you got that
9 information?

10 A I get information the same way Babb did.

11 Q I guess I don't understand, when you say "I got
12 that information" --

13 A So with intel -- information from other
14 agencies.

15 Q Does that mean someone called you and said,
16 "Look out for this white Chevy"?

17 A It could be -- a white Chevy, it could be
18 through text messaging, it could be through many
19 different ways they tell us.

20 Q Sure. And you said you were waiting for that
21 white Chevy. Did you have any other information about
22 the vehicle besides that it was a white Chevy?

23 A No. I was doing -- I was still doing my
24 homework on it.

25 Q Sure.

1 A And that's why I was -- well, I had decided to
2 come help Babb instead. I know that I was still waiting
3 to see if it passed, because I know it hadn't passed us
4 at that time. So I was still waiting, so I figured I
5 would come help out instead.

6 Q Okay. Did Deputy Babb already know what you
7 were talking about then when you said "that white Chevy"?

8 A I don't know.

9 Q Okay. Let's go back to your body camera
10 footage. And that is Exhibit 3.

11 MS. HEBERT: And Daniel, we'll skip to 2:50.
12 And we'll watch from 2:50 to 3:40.

13 (Video playing.)

14 Q (By Ms. Hebert) Okay. So we saw you searching,
15 in that video -- just to recap, we saw you searching the
16 back of Alek's truck some. Is that fair?

17 A Yes.

18 Q And then we saw you pull out a cell phone. Is
19 that fair?

20 A Yes, ma'am.

21 Q And we saw you use that cell phone in some
22 capacity, whether it was to text or check messages. Is
23 that fair?

24 A Yes, ma'am.

25 Q And was this your personal cell phone at the

1 time?

2 A Yes, ma'am.

3 Q And were you asked to provide any text messages
4 or call records from that phone for the day of March
5 16th, 2022?

6 A Yes. I did contact my provider, and they said
7 that it would have to be subpoenaed. I attempted to look
8 for it myself beforehand. But because there's a, I guess
9 it's, for them, I would say archived, or they don't go
10 back that far back to get that information, they couldn't
11 give it to me.

12 Q Okay.

13 A So I did relay that to the attorneys here.

14 Q Sure.

15 A Let them know what was going on.

16 Q Sure. Let's watch another portion of your body
17 cam.

18 MS. HEBERT: 5:40 to 6:36, Daniel.

19 (Video playing.)

20 MS. HEBERT: Okay. You can pause that.

21 Thanks, Daniel.

22 Q (By Ms. Hebert) This portion of the footage
23 appeared to show you receiving a call. Is that a fair
24 representation of what we just watched?

25 A Yes, ma'am.

1 Q Who called you?

2 A I believe a -- he's also a retired deputy.

3 Q What was the name? I'm sorry?

4 A Hector Avila.

5 Q Okay.

6 A He called for an assist. I believe it was an
7 ATL assist.

8 Q ATL is what?

9 A Attempt to locate.

10 Q Okay.

11 A He was a part of our intel unit, which is also
12 under Sergeant Gamboa. We get calls to help them out
13 with warrants and stuff like that. So I believe he had a
14 warrant that he was looking for, and that's what he was
15 calling me for. But we were finishing up with this, and
16 I told him, "Hey, I'll be there." He was kind of giving
17 me a little attitude on the phone, so that's why I was
18 like a little annoyed with him.

19 Q That's okay. No judgment here. But you said,
20 "What the F," and turned off your body camera. Is that
21 accurate?

22 A Yes.

23 Q Okay. Why did you turn your body camera off?

24 A I thought we were done.

25 Q Okay.

1 A I thought we were done.

2 Q Okay.

3 A I thought we were done. I thought -- I was
4 thinking, you know, "Hey, we're done. I'm going to shoot
5 off that way."

6 Q Sure.

7 A But then as we started again, because Deputy
8 Babb was still continuing on. I was like, well, I'm
9 going to stay here till he's done.

10 Q Okay. Then let's look at the other portion of
11 your body camera footage. This will be Gereb body camera
12 2. And this will be Exhibit 6. Did I miss one?

13 THE REPORTER: I think you did.

14 MR. SAENZ: I don't think you named Babb Number
15 1 --

16 MS. HEBERT: Okay. Let's name them appropriate
17 ones then. Where was -- Babb Number 1 should be 6.

18 MR. NELSON: Correct.

19 MS. HEBERT: Okay. And this -- I stand
20 corrected, this is Gereb Body Camera 2, and this should
21 be Exhibit 7.

22 MR. NELSON: You want me to play the whole
23 thing?

24 MS. HEBERT: Let's watch from 0:00 to 1:05.

25 (Video playing.)

1 MS. HEBERT: Actually, Daniel, can you stop
2 right there?

3 Q (By Ms. Hebert) Before we go any further, we're
4 watching the second portion of your body camera footage;
5 is that correct?

6 A Yes.

7 Q And we are stopped at 00:46. Who -- who's that
8 on the screen?

9 A The green uniform is Deputy Molina.

10 Q Deputy Molina.

11 MS. HEBERT: Okay. Let's continue on to 1:02.

12 (Video playing.)

13 Q (By Ms. Hebert) Okay. You said, "I'm trying to
14 watch for another truck right now, but I haven't seen
15 it." Are you talking about that white Chevy?

16 A Yes.

17 Q Okay. And how did you -- where were you
18 looking for that particular truck?

19 A On 35 coming northbound.

20 Q Okay. And so you said, "I'm trying to watch
21 for that truck -- another truck right now." How were you
22 trying to watch for another truck while you were doing
23 the search?

24 A I -- if you actually look at my camera, it
25 shows me standing on the side of the highway facing out

1 towards the highway, because I'm looking.

2 Q Oh, so when you're going back, when turning
3 from the search out to the highway, you're looking for
4 that white truck?

5 A I'm looking to see if it's passed by. I never
6 found it.

7 Q Okay. Sure. And to be clear, when you're
8 turning to look at the highway, you were looking for a
9 white Chevy?

10 A That, and I'm also looking -- officer safety
11 too, because some of those cars really do get close to
12 us.

13 Q I entirely understand that. So officer safety
14 aside, when you're turning to look for the car, the truck
15 that you're referring to, you're turning to look for just
16 simply a white Chevy?

17 A Yes.

18 MS. HEBERT: Let's watch another portion of the
19 video. Would you mind playing 2:20 to 2:42, Daniel? And
20 to be abundantly clear, that's 2:20 to 2:42.

21 (Video playing.)

22 Q (By Ms. Hebert) Okay. This portion of the
23 video camera that we just watched captured a brief
24 exchange between you and Deputy Molina; is that correct?

25 A Yes, ma'am.

1 Q And you asked, "Where did he alert?" Did I
2 hear that right?

3 A Yes.

4 Q And who were you talking to?

5 A Deputy Molina.

6 Q And what did you mean by that question?

7 A Where did Canine Maximus alert on the vehicle.

8 Q Okay. And Deputy Molina seemed to respond to
9 your question, "Everywhere, because the windows were
10 down." Is that fair?

11 A Yes, ma'am.

12 Q Okay. What did you understand Deputy Molina's
13 comment to mean?

14 A That because the windows were down, his canine
15 was alerting throughout the areas of the vehicle.

16 Q Okay. And what was your reaction when you
17 heard Deputy Molina's comments that the dog was alerting
18 everywhere?

19 A I don't know if you want to play it back, but
20 usually, "Okay."

21 Q Okay.

22 MS. HEBERT: Let's watch 8:00 to 9:06. That's
23 good, Daniel.

24 (Video playing.)

25 MS. HEBERT: That's good. Thanks.

1 Q (By Ms. Hebert) During that clip that we just
2 asked -- or we just watched, you're searching the vehicle
3 with Deputy Babb and Deputy Molina. Is that fair?

4 A Yes.

5 Q At one point we heard that beep beep. Is that
6 what you were talking about earlier?

7 A Yes.

8 Q With the indicator that your body camera is
9 still on?

10 A Yes, ma'am.

11 Q Okay. Is there a similar indicator for the
12 dash cam? Is there like a beep beep that means --

13 A Yes, ma'am.

14 Q -- the dash cam is on?

15 A Yes.

16 Q And what's the indicator for the dash cam?

17 A It's a similar beep.

18 Q Just like two beep beeps, or is it like --

19 A Yeah.

20 Q -- a different beep?

21 A No, two beeps, same exact ones. Same exact
22 beeps.

23 Q Okay. So you know that your dash cam is
24 working when you hear the beep beeps?

25 A Yes.

1 Q We talked about the indicator lights earlier.
2 Have you ever known your dash cam to malfunction?

3 A No.

4 Q Okay. When -- on the clip that we just watched
5 also, during the clip, you asked Deputy Babb, "You don't
6 have your thermometer, right?" What is the thermometer?
7 I mean obviously I know what a thermometer is, but in
8 this context what do you mean by a thermometer?

9 A So a thermometer can detect different
10 temperatures in the vehicle. So if you've got a lifted
11 truck or 18-wheeler, you look at the axle and the axle
12 has a hub, which is a big old ball in the middle, best
13 way I can explain it. And you look at one end, and it
14 says 250 degrees. You look at the other end and it says
15 90 degrees, they should have similar temperatures.
16 Not -- and it usually can be an indicator that they're
17 using the hub to -- or somewhere in the vehicle that's
18 not matching normal temperatures.

19 So if you've got a hot car, you know, like say
20 this vehicle's been on the highway. High speeds, the
21 vehicle's warm, a lot of parts are hot. But you get a
22 cold spot. Not just like 5, 10 degrees. Talking about a
23 significant cold spot, like 100, 200 degrees shorter than
24 what it should be. And that's not really normal. It's a
25 possible indicator there might be something going on.

1 Either the engine is malfunctioning at that part or there
2 might be some type of concealment.

3 Q Okay. That's super helpful. Thank you.

4 And during that clip, we also heard Deputy Babb
5 say, "We're done." What did you understand Deputy Babb
6 to mean when he said, "We're done"?

7 A Done with the traffic stop.

8 Q The traffic stop, the search is finished?

9 A We're not doing no more.

10 Q And ultimately you, Deputy Babb and Deputy
11 Molina, you didn't find anything in this vehicle, did
12 you?

13 A No.

14 Q And if there was a report indicating that you
15 or other deputies found an illegal substance in Alek
16 Schott's truck, that would be incorrect; is that fair?

17 A Yes. Well, from my -- didn't see nothing, so
18 putting it for myself, I didn't find nothing. And I
19 wasn't told about anything.

20 Q Yeah. And just, just asking based on your
21 personal experience, you didn't see Deputy Babb find
22 anything.

23 A No.

24 Q You didn't see Deputy Molina find anything?

25 A No.

1 Q So if there's a report indicating something was
2 found that report would be incorrect?

3 A Yes.

4 MR. FRIGERIO: Objection, form.

5 MS. HEBERT: Let's watch from 9:06 to the end
6 of this clip, Daniel.

7 MR. NELSON: I actually need to move it back.

8 MS. HEBERT: That's fine.

9 MR. NELSON: Okay.

10 (Video playing.)

11 Q (By Ms. Hebert) You told Deputy Babb that Sarge
12 was calling. Who were you referring to?

13 A Gamboa. Sergeant Gamboa.

14 Q Sergeant Pete Gamboa?

15 A Yes.

16 Q Also earlier you called, you said he might go
17 by Pedro?

18 A I think -- I think his legal name is Pedro.

19 Q Okay.

20 A But I've seen his emails say Pete Gamboa, and
21 I've seen Pedro. I'm like, so, "Hey, Sarge." That's
22 what I call him now. I've always known to call him Pete
23 or Sarge.

24 Q That's fine. I just wanted to check on that
25 from earlier.

1 And it sounded like someone else is calling
2 you. It sounded like Ivy Love to me.

3 A Avila.

4 Q Avila.

5 A Yes.

6 Q And was that --

7 A That was the person that called me earlier in
8 the video.

9 MS. HEBERT: I'd like to look at another
10 document. Let's pull up Exhibit N, Daniel. This will be
11 marked as Exhibit 8. Is that correct, Daniel?

12 MR. NELSON: Yes.

13 MS. HEBERT: So we're looking at N as in Nancy.

14 Q (By Ms. Hebert) Deputy Gereb, can you take a
15 look at this and let me know when you're ready.

16 A Yes, ma'am.

17 Q What is this document?

18 A This is another SPEARS incident report.

19 Q Let's look down to the Involved Persons
20 section. Whose name is there?

21 A Mr. Schott.

22 Q Okay. And we've already discussed that
23 Mr. Schott is the person who was stopped in this case,
24 correct?

25 A Yes, ma'am.

1 Q Okay. And so would it be fair if I said that
2 this is the SPEARS summary from the traffic stop where
3 Alek Schott was stopped?

4 A Yes, ma'am.

5 Q Okay. Let's go through this document. I see
6 here that the case number is blank. That means there was
7 no case number for this incident. Is that fair?

8 A Yes, ma'am.

9 Q Okay. The source says "officer initiated by."
10 Is it normal for that to just have no officer at the end?
11 Is that just one of the options you pick?

12 A That's one of the options.

13 Q Okay. Let's go to the summary section. It
14 says, "Traffic stop with positive canine alert." Did I
15 read that correctly?

16 A Yes, ma'am.

17 Q If you and your fellow officers found something
18 in Alek's truck, would this summary have been different?

19 A Possibly. It depends on, on who was writing
20 the summary.

21 Q Let's go to the next page, Involved Officers.
22 And this report indicates there are three officers
23 involved, and we saw all three of those officers on the
24 video footage. That would be you, Deputy Molina and
25 Deputy Babb. Did I get that right?

1 A Yes, ma'am.

2 Q And you're listed as covert operations here.

3 What does that mean?

4 A Usually it's -- so TAG has two sections, covert
5 and intel. I think they just have us under that for, on
6 paper. But we are under interdiction.

7 Q So as far as I understand what you just said,
8 it means that the criminal interdiction unit is within
9 the covert section?

10 A Yes, ma'am.

11 Q Okay. But at this time -- and by "this time,"
12 I mean as of March 16th, 2022, were you part of the
13 covert operations?

14 A No. So when TAG came about, interdiction had
15 kind of been transferred from traffic over to -- so when
16 it first -- let me go back. In 2020, we were under
17 training. Then fell under traffic. Then fell under --
18 because Sergeant Gamboa was over the training academy at
19 the time. He was supervisor at the training academy.
20 And then he went -- then when TAG formed, he went over to
21 the TAG intel unit. And pretty much he's -- we've been
22 under him every time. So he has, I think it's on paper
23 under covert operations.

24 Q Okay.

25 A But looking at the timeline that this is done,

1 Babb wasn't assigned to the training academy at the time,
2 and neither was Douglas.

3 Q Okay.

4 A So --

5 Q So what does that mean?

6 A Oh, just that's when Babb was at the training
7 academy, and then this Douglas is a sergeant now -- she's
8 a sergeant, and she's currently over the training academy
9 as supervisor.

10 Q Okay. So let me just take a couple of steps
11 back. When did Babb get assigned to training? Do you
12 know?

13 A I would say -- I want to say it's late 2022.

14 Q Okay. Late 2022. What prompted, as far as you
15 know, Babb to get assigned to training?

16 A That was where he wanted to go. He had prior
17 military experience as an instructor.

18 Q Uh-huh.

19 A And he had expressed interest to do that. So
20 like okay, "Go do it, man."

21 Q Okay.

22 A "It's your career." That's what I always tell
23 him.

24 Q And he -- but Babb wasn't in training when he
25 made the stop of Alek Schott.

1 A No.

2 Q He wasn't a trainer --

3 A No, ma'am.

4 Q -- when he made this stop of Alek Schott.

5 Okay. I want to look at another version of
6 this document.

7 MS. HEBERT: Can you pull up M, Daniel? And
8 this will be marked as Exhibit 9.

9 Q (By Ms. Hebert) Let me know when you're ready.

10 A Okay.

11 Q What is this document?

12 A It appears to be redacted information from the
13 Exhibit 8.

14 Q Sure. So, so far as you can tell, same
15 Exhibit 8 and Exhibit 9 are the same, just one's
16 redacted?

17 A Yes, ma'am.

18 Q Okay. Other than the redactions -- other than
19 the redactions, I want to flip to the Involved Persons
20 section -- Involved Officers section. Excuse me. On the
21 next page. And look at the various involved officers.
22 And we'll start with the first line, Assisting Officer
23 Gereb, you're listed as special enforcement.

24 A Yes, that's what we were under before we
25 went -- I'm still trying to figure out what my role is,

1 where I'm assigned to these days. For some reason
2 interdiction kind of just bounces around. We have
3 multiple sergeants, multiple supervisors. But we fall
4 under primarily Gamboa, and we have a new lieutenant. So
5 we're trying to figure out -- right now we're in a
6 transition phase.

7 Q So I guess the first question I have to ask you
8 is it seems like this document changed. There's two
9 versions of this document, one that lists you as covert
10 operations and one that lists you as special enforcement.
11 Why -- why did the document change?

12 A Couldn't tell you. It could have been how I
13 was inputted in the system.

14 Q Sure.

15 A I don't know. That would be on the admin side.

16 Q That's okay.

17 A This doesn't -- we don't have any input as far
18 as how we're inputted into the RMS system.

19 Q And from what I was understanding you to say a
20 couple of seconds ago is Sergeant Gamboa has been the
21 criminal interdiction guy, and the unit has gone where
22 he's gone. Is that fair?

23 A Yes, ma'am.

24 Q And that's one of the reasons why it's been
25 under these different classifications. It's followed

1 him.

2 A Yes, ma'am.

3 Q Okay. Let's go back to Exhibit 8, if you don't
4 mind. And let's flip to Page 3. And this looks like one
5 of those general reports we were talking about earlier;
6 is that correct?

7 A Yes, ma'am.

8 Q And based on the top two lines, it looks like
9 this was authored by and entered by Deputy Babb; is that
10 correct?

11 A Yes, ma'am.

12 Q When you have a general, a general report for
13 an incident, would you expect all the reasons you've
14 stopped a officer -- or stopped a driver to be in that
15 report?

16 A Yes.

17 Q And would you expect that all the reasons that
18 you decided you could search the vehicle would be in that
19 report?

20 A Yes, ma'am.

21 Q Okay. Let's flip to the next page. And what
22 is this page?

23 A Supplemental by Deputy Molina.

24 Q To be clear, this is Page 4. So does this mean
25 that Deputy Molina did a supplemental report?

1 A Yes, ma'am.

2 Q And let's flip to the next page. Page 5. What
3 is this page?

4 A Another supplemental report by Deputy Babb.

5 Q So that means Deputy Babb did a supplemental
6 report?

7 A Yes, ma'am.

8 Q And let's flip to the end. Were there any more
9 pages?

10 A No, ma'am.

11 Q Okay. So you didn't provide a report with this
12 incident. Is that fair?

13 A Yes, ma'am.

14 Q And why is that?

15 A So at the time of the incident, traffic stops
16 usually with assisting officers is -- you can put
17 something in there or not. They've clarified it since
18 then that we needed to have our input. But at this time,
19 we -- if you were just an assisting officer, you didn't
20 need to provide a report.

21 Also, because this was, at the time was a
22 traffic stop, it was a warning issued, that there was no,
23 no actual -- I want to say not law enforcement action.
24 There was no arrest made, there was -- no contraband was
25 found, nothing was done until later on Deputy Babb was

1 advised he needed to write a report.

2 I didn't -- I wasn't instructed to write one,
3 or provide a supplement, because of my role.

4 Q Sure.

5 A I was purely assisting and covering.

6 Q So at what point -- let me take a couple steps
7 back. You talked about how the rules on when you need to
8 do a supplemental report have changed; is that correct?

9 A Yes.

10 Q When did that happen? Do you -- at least to
11 your memory. I mean obviously you're not going to know
12 on X date so-and-so told us we need to do this. But to
13 your mind, when did it come down that you had to start
14 doing supplemental reports whenever you assisted?

15 A I would say probably about a little over a year
16 ago.

17 Q Okay. And who clarified that?

18 A That would be one of our supervisors. Gamboa.
19 It would be one of our supervisors. And then I've heard
20 it from other supervisors as well.

21 Q Okay. And you mentioned a couple of seconds
22 ago that there wouldn't have been a general report here
23 because it was a traffic stop with just a warning. What
24 did you mean by that?

25 A Meaning that on traffic stops, if there's no

1 other further law enforcement action taken, meaning
2 nobody's arrested, there's no evidence, there's nothing
3 to enter, nothing of that nature, we can close it out as
4 a traffic stop. We put the person's information, and
5 then we're on our way.

6 Q Okay. And what -- and you were talking about
7 this particular traffic stop that someone told Deputy
8 Babb he needed to write a report. What do you -- what
9 did you mean by that?

10 A I remember right -- because we don't typically
11 write general reports. I believe that a complaint was
12 made by Mr. Schott after the fact.

13 Q Okay.

14 A And that's what I understand from that.

15 Q Okay. So you -- your understanding is that
16 Mr. Schott made a complaint --

17 A Yes.

18 Q -- and that prompted the creation of this
19 general report.

20 A Yes.

21 Q Okay. And earlier today we talked about the
22 importance of having records on the same day when
23 you're -- by the end of your duty. This general report
24 by Deputy Babb was completed on the 18th of March. Is
25 that fair?

1 A Yes, ma'am.

2 Q So that was two days after the traffic stop; is
3 that correct?

4 A Yes, ma'am.

5 Q Okay. And to your knowledge, were you involved
6 in any of the conversations in between when Alek Schott
7 was stopped and -- the traffic stop on the 16th and the
8 18th?

9 A No, ma'am.

10 Q So no one came to you and talked to you and
11 said, "Deputy Gereb, what happened?"

12 A Yeah. No one's talked to me at all about it,
13 until I was needed for here.

14 Q Sure. That's fine. I just wanted to know in
15 this context here whether anybody had any conversations
16 with you.

17 Let's go to Page 5, the action log.

18 A Yes, ma'am.

19 Q And earlier today we looked at a SPEARS summary
20 that had a list of action items in the action log. This
21 one's blank. Why?

22 A Again, same thing, we didn't -- some of us had
23 gotten, I would say, you know, a little relaxed about
24 putting the action logs in when our role is so minute, or
25 not as vague.

1 Again, since then it has been clarified that we
2 are to do something about it, or write something in
3 there, whether it's assist coverage, assist with a
4 search, assist standby, something of that nature.

5 Q Okay.

6 A So since then, it has been -- we have been
7 directed again by supervisors to put an input in, have
8 some type of input.

9 Q Let's go back to Exhibit 5.

10 MS. HEBERT: Daniel, you don't need to do
11 anything.

12 Q (By Ms. Hebert) Deputy Babb, or Deputy Gereb,
13 you might have Exhibit 5.

14 A Right here.

15 Q I'm going to go back to my version. We looked
16 at this previously. And I want to skip to -- let me make
17 sure I'm looking at the right document. Okay. Yeah, I
18 want to go to the second page of this document, and we
19 are looking at -- which number are we on? What number is
20 this?

21 MR. WINDHAM: 5.

22 MS. HEBERT: 5.

23 Q (By Ms. Hebert) I'm looking at Number 5. And
24 can we look at the Activity Log section? And the
25 activity log here says, "No call activity." Is that

1 fair?

2 A Yes, ma'am.

3 Q Okay. And I want to look up at the Comments
4 section. You'll see the Comments section at the top of
5 the page with the gray title. And the first line is
6 3/16/2022, 11:15:08, Joel Babb response, and then I see a
7 license plate number. Is that correct?

8 A Yes, ma'am.

9 Q What does that mean happened there?

10 A That means when he entered the -- when he
11 initiated the traffic stop, the traffic button, he put
12 the, tapped the license plate in.

13 Q So that's when he entered the license plate?

14 A Yes.

15 Q At 11:15:08?

16 A Yes, ma'am.

17 Q Next line 11:49:50, there's a user number. Do
18 you know what that corresponds to?

19 A It's going to be -- that's an employee number.

20 Q Okay. That's an employee number?

21 A Yes, I believe that might be a dispatcher's
22 number. I don't know if it shows on the other exhibits
23 if that belongs to anybody else's.

24 Q Okay. And then the Comments section, what is
25 that saying?

1 A Canine deployment, timestamp.

2 Q Explain what that means to me.

3 A So a canine they usually have, when they deploy
4 their canine, they have to put a time stamp that the dog
5 was taken out of the vehicle and did a sniff.

6 Q So this 11:49:50 is a time stamp for when the
7 dog was removed from the vehicle?

8 A Yes.

9 Q And 11:50:49, there's another line of text.
10 Can you read that for me and explain what it says?

11 A It says, "5 kilo 18 positive alert, dash" -- or
12 "forward slash, forward slash, driver's side door."

13 Q And what does that mean to you?

14 A It's showing where the dog positively alerted
15 on.

16 Q Okay. The next line 12:22:35 Molina response,
17 the Comments section, can you read that for me and
18 decipher it?

19 A Again, it's a canine daily activity report,
20 canine deployment, body worn camera available.

21 Q What do you mean by canine daily activity
22 report?

23 A Just -- so on ours, if you look at mine, the
24 next line says DAR.

25 Q Uh-huh.

1 A Okay. It's his -- it's because he's canine,
2 K -- K for Kilo, canine. That's kind of how they do
3 that.

4 Q Okay. What does DAR then stand for?

5 A Daily activity report.

6 Q Okay. So it's just -- where does that go, just
7 I'm reporting on my activity?

8 A Yes.

9 Q Okay. And the second to last line that's
10 12:30:47, DAR OIA T stop X1 warning. What's that saying?

11 A So that was his daily activity report, officer
12 initiated activity. Traffic stop, he should have spelled
13 out -- you have to put traffic, traffic stop. In his
14 case he put T stop, then times one warning.

15 Q Okay. And then the last line, 12:30:58, Babb,
16 Joel responds, Axon BWC. That means the body cam is
17 available?

18 A Yes, ma'am.

19 Q Okay. And again, the activity log section of
20 this one is blank. Is that fair?

21 A Yes, ma'am.

22 Q Okay. What's the -- on the next page, which
23 has the Bates stamp 163 at the bottom, there's a little
24 bit of data on the top that says, "Description, PSAP
25 Data, Bexar County SO," and then there's a phone number

1 and "Mobile 3." Do you know what that's about?

2 A I do not.

3 Q That's okay. And do you know what the next
4 line is about?

5 A I do not. This one -- if I'm reading that
6 right, it says, "SAPD channel" and "not SAPD," meaning
7 that it was -- we were in the jurisdiction of the
8 San Antonio Police Department patrols, or -- and again,
9 it will say "not SAPD" because we're not -- even then we
10 still -- I don't think it was putting out SAPD because --

11 Q So this is like a jurisdictional marker. You
12 weren't in the San Antonio Police Department district.

13 A No, ma'am.

14 MS. HEBERT: Okay. I want to go to Exhibit KK.
15 And we may need the big version of this one too, Daniel.

16 MR. NELSON: May need the what?

17 MS. HEBERT: The big version of this one too.

18 MR. NELSON: Okay. Is it in --

19 MS. HEBERT: No, we'll start with this one.
20 Just as a heads up.

21 MR. NELSON: Okay. Okay.

22 MS. HEBERT: Let's mark this as Exhibit -- what
23 exhibit are we at, 10?

24 MR. NELSON: Yes.

25 Q (By Ms. Hebert) And I'm going to represent to

1 you this is the same document we just looked at as
2 Exhibit 5, but with redacted versions. Is that fair?

3 A Yes, ma'am.

4 Q Okay. I want to skip to the next page. Well,
5 actually the very bottom. Do you see the grayed out
6 portion at the very bottom that says activity log?

7 A Yes.

8 Q The third line up? And do you see an entry
9 there?

10 A Yes.

11 Q And let's skip to the next page. Is there a
12 considerable number of entries on the activity log?

13 A Yes.

14 Q And can you tell me what the activity log is
15 showing?

16 A There's --

17 Q Just in general, like what is it for?

18 A The key card. The actions of the key card.
19 When the call was initiated was officers secured, all
20 that entry -- everything that goes on during the call.

21 Q Okay. I want to take a -- take time and go
22 through all of these entries and let's figure out what
23 they say, but let's take a brief break so I can get you a
24 copy that's not so tiny, if that's okay.

25 A I can read it.

1 Q Well, we have a bigger version, so we'll just
2 give it to you.

3 A Okay.

4 MS. HEBERT: Let's take a brief break. We'll
5 go off the record for a second.

6 THE REPORTER: We're off the record.

7 (Recess from 3:49 p.m. to 3:54 p.m.)

8 THE REPORTER: We are back on the record.

9 Q (By Ms. Hebert) We're going to hand you another
10 exhibit. I think this is marked Exhibit 11.

11 MR. NELSON: Correct.

12 Q (By Ms. Hebert) And this is just the same
13 document on a bigger sheet of paper so we could try to
14 zoom it in. Let's skip to the second page if you don't
15 mind. Oh, actually, can we go back to the first page?
16 What's the report generated date on this one?

17 A 7/13/22.

18 Q Okay. Can you look at Exhibit 5 again? And
19 what was the report date on -- generated on that one?

20 A 9/14/23.

21 Q So the exhibit we have is -- 11 is earlier in
22 time. Is that fair?

23 A Yes, ma'am.

24 Q Okay. Let's look at the second page of Exhibit
25 11, and I was hoping that you would walk me through this

1 activity log. Can we start at the top? And the first
2 kind of column or the first row is the same date, March
3 16th, 2022, 11:15:07, 5 India 12. That's Deputy Babb; is
4 that correct?

5 A Yes, ma'am.

6 Q Then you have, "See response." What does
7 "response" mean there?

8 A Oh, that he's initiated a traffic stop.

9 Q Okay. And then over in the log entry column, I
10 think it starts responding from IH-35, and then a bunch
11 of language. What is that log entry referring to?

12 A Where he's coming from.

13 Q Okay.

14 A The part of the highway he's on.

15 Q And then the next entry also at 11:15:07, 5I12
16 says -- in the Activity column says, "On scene." What
17 does that mean?

18 A That means that, that he's secure -- not
19 secure -- that he's on scene. That he's -- it's checking
20 out that he's started the call and that he's on scene at
21 the call.

22 Q Okay. And then the next line says, "Incident
23 in waiting queue." What does that mean?

24 A I do not know.

25 Q Okay. And then the line after that says,

1 "Waiting pending incident time warning." Do you know
2 what that means?

3 A So this is usually where dispatch, it does --
4 what I talked about earlier, they give us an amount of
5 time to secure ourselves. And so they always -- they
6 have a running clock when we do officer-initiated
7 activities. And if we don't respond or do so within that
8 time clock, let them know we're okay, they're going to
9 start asking our status.

10 Q Okay. Well, it sounds like this is one of
11 those indicators to send their status, and it had only
12 been 1 second since Deputy Babb responded. So why would
13 you get a warning then?

14 A No, I'm sorry, it's -- it's -- it is that, but
15 it's starting the clock.

16 Q Okay.

17 A That's when the clock is starting.

18 Q Super helpful. So that's when the clock is
19 starting for the, "Hey, you need to check in" warning.

20 A No, no that's a hey -- so when the dispatchers
21 sit in there and they see that thing is started, the
22 clock, I believe, automatically starts, like a timer. So
23 the next thing is you check out officer-initiated
24 activity, traffic stop or whatever. A clock starts. So
25 that way they can see, hey, we need to make sure he's

1 initially secure. And then I believe once we're secured,
2 another clock starts again. That gives us a little bit
3 more time to --

4 Q Okay. So this is the pre-security clock
5 starting?

6 A Yes.

7 Q Okay. So you're not secured. You started an
8 incident. Your clock is starting to let us know that
9 you're okay.

10 A Yes.

11 Q Okay. The next line says, "Traffic stop
12 incident created." And the log, the log entry says,
13 "Incident created successfully from Unit 5 India 12 by
14 Babb, Joel." Did I read all that correctly?

15 A Yes.

16 Q Can you explain this line to me?

17 A The traffic stop. This is all from like the
18 dispatcher's side. I don't know how the order goes or
19 why it puts it in whatever orders. Usually, from my
20 understanding is I started it, that should be me starting
21 the whole problem.

22 Q That kind of makes sense.

23 A Yeah.

24 Q Like this is all 1 second apart.

25 A Yeah.

1 Q So all these things are just like you hit
2 traffic stop, and it started all these little timers and
3 indicators.

4 A Yes.

5 Q Is that fair?

6 A (Nodding head.)

7 Q Then let's skip down to the supplemental
8 information, supplemental vehicle record, and there's a
9 number added for license plate. What does that mean?

10 A Are you talking about --

11 Q I'm in the log entry.

12 A 11:17:32? Is that what we're looking at, time?

13 Q No. I'm looking at 11:15:08 --

14 A Oh, okay.

15 Q -- where it says Supplemental Vehicle Record,
16 there's a number was added for license plate, and then
17 the license plate is grayed out -- redacted.

18 THE REPORTER: Could you slow down?

19 MS. HEBERT: Sorry.

20 A Oh, I see it. Is it the 605 number?

21 Q (By Ms. Hebert) Yes, the 605 number.

22 A Okay. I see what you're talking about. So
23 what was the question?

24 Q What does that log entry mean?

25 A I believe that's when he ran the -- or that's

1 when the license plate information was coming back.

2 Q Okay.

3 A I don't know what the number means.

4 Q All right. And then the next line says plate
5 number redacted was added. Do you know what that means?

6 A It was redacted?

7 Q The next line in the log entry.

8 A "Plate number redacted has been added." No, I
9 don't.

10 Q Okay. Let's go to -- it's hard to indicate the
11 marker. There's a log entry that starts out with 5 India
12 12, incidental -- or incident LD. Do you see what I'm
13 talking about? It's 11:17:32 is the time.

14 A Okay.

15 MR. FRIGERIO: Over here.

16 A You said 11:17:32.

17 Q (By Ms. Hebert) Here, let's just go line by
18 line so make it easier. So we've got 11:15:12; is that
19 right?

20 A Yes.

21 Q That's when you're, "Move waiting pending
22 incident warning." So that's gone; is that fair?

23 A Yes.

24 Q Then 11:16:44, "5I12 secure." Does that mean
25 Deputy Babb indicated he was secure at that moment?

1 A Yes.

2 Q So that means that he successfully made the
3 stop?

4 A Yes.

5 Q So as of 11:16:44, he had stopped Alek Schott?

6 A Yes.

7 Q Okay. 11:17:32, the next line, "record check,
8 person check." And then you see a couple of things in
9 the log entry. Does that mean that at 11:17:32, Deputy
10 Babb ran the person check on Alek Schott?

11 A Yes.

12 Q And can we see what came back here, or does
13 this just indicate that it ran a check?

14 A It just ran a check. I think if he had
15 anything, a warrant, anything other than that, it would
16 just be his driver's license that came back.

17 Q Okay.

18 A Meaning like if he had any warrants or if he
19 was wanted or outstanding, it would -- it would pop up.
20 But --

21 Q It would show up here on this piece of --

22 A I don't know.

23 Q -- paper?

24 A I've never seen it here.

25 Q Okay.

1 A It's very rare that we look at these.

2 Q So if something popped up, where would it show
3 up?

4 A It would show up on the returns we get from --
5 so whenever we get a return for your license, vehicle
6 information, if he had a warrant or anything, it would
7 pop up on the same screen.

8 Q Okay. Do you know where that would be logged?

9 A I don't know.

10 Q Okay. That's fine. And the next check is
11 11:17:32. It seems like there was another person check,
12 a supplemental person check. Is that fair?

13 A Yes.

14 Q And then again, the next line, 11:17:32, there
15 was another supplemental information. There's a
16 supplemental information and the log entry says,
17 "Supplemental person record," then a number was added for
18 Alek Schott. Do you know what that's talking about?

19 A No, ma'am.

20 Q Okay. 11:27:05, there's 5 Kilo 18 DISP. What
21 is that line referring to?

22 A He's dispatched, or he's on his way.

23 Q Okay. So at 11:27:05 Deputy Molina was
24 dispatched.

25 A Yes, ma'am.

1 Q 11 -- I'm going to skip down to 11:47:34. And
2 you see 5 Kilo 18 on scene. Does that mean at 11:47:34,
3 Deputy Molina was on scene?

4 A Yes.

5 Q And he had arrived?

6 A Yes, ma'am.

7 Q The next one, 11:48:56, 5 Kilo 18 secure, that
8 means that Deputy Molina was secure at that point?

9 A Yes, ma'am.

10 Q Okay. And then there -- the next entry is
11 12:22:35. And that is 5 Kilo 18 avail; is that correct?

12 A Yes.

13 Q And is that what you were referring to earlier
14 when you said cleared out?

15 A Yes. We're available.

16 Q So now based on this indicator at 12:22, Deputy
17 Molina is ready to go back into the field and available
18 to be dispatched?

19 A Yes, ma'am.

20 Q Okay. I want to skip to 3:17. You see that,
21 at the very bottom, the last two rows.

22 A Okay.

23 Q And you got 8:06:56, "Read comment." Then the
24 log entry, comment for incident 864 was marked as read.
25 Do you know what that's referring to?

1 A No, ma'am.

2 Q And I'm going to guess the answer to this is
3 also no. Do you know what the next line -- the last
4 line, User Action, is about?

5 A No, ma'am.

6 Q Okay. Just kind of one quick follow-up item.
7 Looking at the -- at the things that are time stamped
8 11:17:32, those are those three person checks, do you see
9 them in the activity log?

10 A Okay, yes.

11 Q There are three time stamps that say 11:17:32.
12 Do you see those three time stamp entries?

13 A Yes.

14 Q And those all talk about record check or
15 personal information, supplemental person. Is that fair?

16 A Yes.

17 Q Does that mean that the computer checks were
18 done on Alek Schott at 11:17:32?

19 A As in they were done running them?

20 Q Yes.

21 A I believe so.

22 Q Okay. Thank you. And I know that was really
23 tiny print, so thank you for bearing with me on that. I
24 want to look at another document that is our Exhibit JJ.

25 MR. NELSON: Okay.

1 MS. HEBERT: And this will be marked as Exhibit
2 12.

3 Q (By Ms. Hebert) Take a look at this when you
4 get a chance, and let me know when you're done.

5 A Okay.

6 Q Are you ready?

7 A Yes.

8 Q What is this document?

9 A It is a copy of the citation.

10 Q Okay. And how do officers refer to this
11 document?

12 A Copy of the citation.

13 Q Okay. Just want to make sure, because
14 sometimes there's some lingo and I miss it.

15 When is a copy of the citation required?

16 A Usually on every stop.

17 Q Okay. So every time a citation, even if it's a
18 warning, is issued, you make a copy of it?

19 A Are you talking about for our personal records?

20 Q No. For the Sheriff's Office.

21 A Oh, yeah, they go into the databases, which is
22 where you can obtain a copy like this from.

23 Q Okay. So this is automatically created every
24 time a citation, be it a warning or a ticket, is issued?

25 A Yes, through the Brazos system, yes.

1 Q And this is automatically created. Once you
2 print it out and do the ticketing thing, this document is
3 the report -- one of the reports you were talking about?

4 A Yes, ma'am.

5 Q Okay. Let's look at the section Location and
6 Violation Information. Earlier today -- do you see where
7 I'm talking about?

8 A Yes.

9 Q And let's look down at issued by Deputy Babb
10 and ID number. Issue date and time. And I'm seeing the
11 date as 3/16/2022, and the time is 9:32. Do you see
12 that?

13 A Yes, ma'am.

14 Q And earlier today we talked about the fact that
15 the stop was at 11:15 a.m. Why does this say 9:32 a.m.?

16 A I do not know.

17 Q Okay.

18 A I have -- there have been times that the
19 E-writers have their time off. That's usually just a
20 system update.

21 Q I'm sorry, I didn't understand what you said.
22 There are times when something has their time wrong?

23 A The E-writer or Brazos system has their time
24 off, and it's very rare that it does.

25 Q Sure.

1 A But it has happened.

2 Q And let's look at the stuff on the right-hand
3 side of the page where it says "diagram."

4 A Yes.

5 Q "Reason for initial stop, moving traffic
6 violation." Did I read that right?

7 A Yes.

8 Q And then three lines down, it says "STEP," and
9 "No." Does that mean that this was not STEP traffic
10 enforcement?

11 A Yes. It was not.

12 Q So earlier we talked about STEP traffic
13 enforcement, and you talked about how you would
14 specifically be on duty for STEP traffic enforcement.
15 This traffic stop was not STEP traffic enforcement --

16 A Correct.

17 Q -- based on this record?

18 A Correct.

19 Q And then I want to go down to Search. Do you
20 see where it says "Search" --

21 A Yes.

22 Q -- colon and "No Search"?

23 A Yes.

24 Q Why does it say, "No Search"?

25 A It could have been that Deputy Babb didn't

1 check that box off properly.

2 Q Okay. So explain that to me.

3 A I don't know what he was doing inside the car
4 at the time.

5 Q Yeah, obviously you don't know what was going
6 on in Deputy Babb's mind --

7 A But --

8 Q But what do you -- you said "check that box
9 off." What do you mean by "check that box off"?

10 A So there's a drop down box that says, "Did you
11 search the vehicle, was there probable cause," all that
12 stuff, "what were you looking for" -- that's usually what
13 that entails.

14 Q Okay. So if I'm understanding you correctly,
15 when you're filling out this citation, there's some box
16 that you can check for whether there's a search or not.

17 A Yes.

18 Q And the row underneath the search that's
19 labeled Contraband, that's blank, correct?

20 A Yes.

21 Q So I want to make sure we've got all the
22 records for the Alek Schott stop. Today we've looked at
23 two copies of the SPEARS summary. We've looked at two
24 versions of the Incident Detail Report and this citation
25 report. To your knowledge, would there be any other

1 documents or reports coming from the stop of Alek Schott?

2 A Not that I know of.

3 Q Okay. And we've looked at the communications
4 log. We talked about -- by communications log, I mean
5 the exhibit where you said "On my way."

6 A Yes.

7 Q And we talked about some phone messages and
8 calls that you have not been able to obtain the records
9 for. But are there any other ways that officers would
10 have communicated about Alek Schott?

11 A No.

12 Q Okay.

13 A Not that I know of.

14 Q There may be -- and I think you did mention an
15 audio file for radio traffic. There may be some audio
16 file. Is that fair?

17 A Correct.

18 Q Did you ever talk to Deputy Babb about this
19 stop after the fact?

20 A After the fact? No, not until I guess when he
21 had told me he had to write a report about it. But other
22 than that, no.

23 Q When did he tell you he had to write a report
24 about it?

25 A I guess when the complaint came out.

1 Q Okay. So do you remember when the complaint
2 was?

3 A I don't.

4 Q Okay. And what did Deputy Babb say to you when
5 the complaint came?

6 A He had to write a report.

7 Q Anything else?

8 A That's it.

9 Q Okay. What did you say in response?

10 A I don't remember.

11 Q Okay. Did you ever talk to Deputy Molina about
12 this stop?

13 A Not until it came out that we had to do these
14 depositions. But other than that, no, we haven't really
15 discussed it.

16 Q Sure. And to your knowledge, has anyone, any
17 Sheriff's Officer been disciplined for any role in the
18 stop and search of Alek Schott?

19 A Not that you're aware of.

20 Q I guess maybe disciplined is too harsh of a
21 word. Has any officer been counseled as a result of the
22 stop of Alek Schott?

23 A Not that I'm aware of.

24 Q Anything like we need to even make sure that
25 we're documenting our stops correctly? Because we've

1 talked a little bit about how your practices have changed
2 with the traffic stops. Do you know if the stop of Alek
3 Schott prompted any of those changes?

4 A No, ma'am.

5 Q Okay. And we're here today because Alek Schott
6 has filed a lawsuit alleging that his constitutional
7 rights were violated. To your knowledge, was there
8 any -- has there been any investigation of what happened
9 to Alek Schott after he filed this lawsuit?

10 A I was called in to Internal Affairs to make a
11 statement. But other than that, that was it.

12 Q Okay. And what happened when you were called
13 into Internal Affairs?

14 A I wrote down what I did, from what I could
15 recall. I wasn't able to review my camera at the time,
16 because the cameras had been archived already. And you
17 have to pull them back from archives. And they -- it
18 would take probably about three hours they said. So they
19 said just go off what I could recollect from that day.

20 Q And I've never been involved in an Internal
21 Affairs conversation. So what does that look like?

22 A No, you show up, you have your union -- I guess
23 union-appointed or agency, association-appointed
24 attorney. For us we use a thing called CLEAT. And if
25 not, then you just show up on your own and make your own

1 statement.

2 Q Okay. And so you go with an attorney that
3 potentially comes with you and you speak to who?

4 A Whoever's investigating the incident.

5 Q And who did you speak to?

6 A That day it was Sergeant Bowser.

7 Q Bowser. Can you spell Bowser?

8 A B-O-W-S-E-R.

9 Q Okay. And did he give you any feedback or make
10 any comments?

11 A No, she did not.

12 Q Or she?

13 A No. She said -- I told her I would like to
14 review my video on -- we tried to get in the back.
15 Unfortunately, we were not able to get it back due to it
16 being archived. So I went off the recollection of what I
17 had.

18 Q Okay. And what -- since you've had that
19 recollection and you've watched the body camera videos,
20 did you like remember something new or see something new?

21 A No. I didn't realize I had two videos. I
22 didn't remember. It had been so long. But the being
23 called back was -- for Internal Affairs was pretty
24 recent, like within the last three months.

25 Q Sure.

1 A So I'm not aware of anything else as far as
2 that.

3 Q And was your statement to the Internal Affairs
4 investigator, was that written down or recorded?

5 A Yes, I typed up my statement.

6 Q Okay. You typed up your statement and sent it
7 to the Internal Affairs person?

8 A Yes. We were there in the office.

9 Q Okay. So help me understand this. Did you
10 have -- you get called into Internal Affairs. You have a
11 conversation with Bowser. Do you write the -- write up
12 the report together?

13 A No. No.

14 Q Okay.

15 A She -- so we -- Internal Affairs investigating
16 deputy will step out, and we will do our part.

17 Q Okay. So you got called into Internal Affairs
18 deputy who was investigating, you talked with her, and
19 then you wrote up your recollection?

20 A Yes. So her, her involvement was very minute
21 as far as saying, "Hey, we're here. This is for Deputy
22 Babb's case. This is what you're presented with." And
23 that was it. Right? You know, I asked to review my
24 cameras. Wasn't able to retrieve my camera because of
25 the archive. And then from that point, I wrote what I

1 could remember offhand.

2 Q Okay. And so you wrote, then wrote down
3 everything that you could remember. And what happened
4 after that?

5 A That was it. Now I'm here.

6 Q And they sent you on your way?

7 A Well, I already knew that this was coming. I
8 had already talked to -- but after that, that was it.

9 Q Okay. Do you know what has happened as a
10 result of that investigation, the Internal Affairs
11 investigation?

12 A No, ma'am.

13 Q And have you heard if that investigation is
14 done?

15 A No, ma'am.

16 Q Okay. So you have no idea, as you sit here
17 today, whether that investigation is opened or closed or
18 anything?

19 A I have no idea what's going on with it.

20 Q That's okay.

21 MS. HEBERT: Let's look at Exhibit U, Daniel.

22 MR. NELSON: U?

23 MS. HEBERT: U. U as in unicorn.

24 MR. NELSON: Yep. This should be 13, correct?

25 THE REPORTER: Yes, that's correct.

1 MS. HEBERT: Exhibit 13.

2 Q (By Ms. Hebert) Let me know when you're ready.

3 A Go ahead.

4 Q What is this document?

5 A It's a SPEARS Incident Report.

6 Q I'm going to say that the reported time, the
7 date looks like it's April 4th, 2022. Am I reading that
8 correctly?

9 A Yes.

10 Q And then the incident time looks like it's
11 April 4th, 2022 as well. And there's time stamps for
12 both of those pieces, both of those lines. And it seems
13 like that's an hour apart; is that correct?

14 A Yes.

15 Q But there's not much other information here. I
16 don't see anything in involved persons. The address is
17 there, but we see two involved officers. The assisting
18 officer would be yourself, and the reporting officer
19 would be Deputy Gereb [sic]. Why is the --

20 A You got that backwards.

21 Q Oh, sorry. The assisting officer would be
22 Deputy Gereb, and the reporting officer would be Deputy
23 Babb. The next page, the action log is blank. Why is
24 there not more information on this traffic stop incident
25 report?

1 A I'm not aware of why.

2 Q Okay.

3 A There have been times that, every so often that
4 we, we get -- we'll accidentally -- instead of doing a
5 vehicle check, there's an option to do a vehicle check
6 and a traffic stop, we'll accidentally do a traffic stop
7 versus doing a vehicle check. I don't know if that was
8 the case on this one.

9 Q Sure.

10 A And also at the same time, it goes back to,
11 what I mentioned earlier, that we weren't really harped
12 on making sure we have the input information, until -- it
13 was sometime after this.

14 Q And remind me when that time was that you were
15 really told that -- harped on to get more information in
16 your summaries?

17 A About, about a year ago. A little over a year
18 ago.

19 Q So what, we're in February 2024. So February
20 2023?

21 A I would probably say probably late 2022.

22 Q Okay. So towards the end of 2022 was when
23 reporting started to change?

24 A Yes, ma'am.

25 MS. HEBERT: Okay. All right. I think this

1 would be a good time for a break if you don't mind.

2 THE REPORTER: We're off the record.

3 (Recess from 4:20 p.m. to 4:30 p.m.)

4 THE REPORTER: We are back on the record.

5 Q (By Ms. Hebert) I wanted to talk a little bit
6 about the difference between your process for making a
7 traffic stop when you were a patrol deputy versus when
8 you were a criminal interdiction deputy. When you pulled
9 someone over doing criminal interdiction, did you decide
10 whether to give them a warning or citation before you got
11 out of the vehicle?

12 A No.

13 Q Okay. When we talked about your -- and I'm
14 going to try to be super clear about which one's which.
15 When we talked about your work as a patrol deputy, you
16 talked about the fact that you would walk up to the
17 passenger's side or driver's side, depending on which one
18 was the safer side, talk to the driver, tell them who you
19 are, why you pulled them over, get their license and
20 insurance information, go back to your vehicle to run the
21 check; is that correct?

22 A Yes, ma'am.

23 Q And then you would decide, based on running the
24 check and the information that you got, whether to give
25 them a citation or a warning; is that fair?

1 A Yes, ma'am.

2 Q When you're a criminal interdiction -- when
3 you're working as a criminal interdiction deputy, you
4 walk up to the passenger or the driver's side, whatever's
5 safer. You tell them who you are; is that correct?

6 A Yes.

7 Q And you tell them why you pulled them over; is
8 that correct?

9 A Yes, ma'am.

10 Q Do you tell the driver at that point whether
11 they're getting a citation or a warning?

12 A No.

13 Q Okay. What do you do?

14 A Ask for their information.

15 Q Same as with, as a --

16 A As a patrolman.

17 Q Okay. And we talked a little bit about you
18 conducting interviews with the drivers. At what point
19 during the interview do you usually decide whether to
20 give a citation or a warning?

21 A Towards the end, after I've decided whether
22 this traffic stop's going to go any further than what it
23 needs to go, and I make that decision. Based on, you
24 know, traffic history, what do I have, what was a real
25 safety issue, what -- you know, were they being

1 cooperative, was there something else going on. And is
2 this stop going to go any further than just a traffic
3 stop. You know, is somebody going to go to jail, is
4 there contraband, you know, the whole -- again, it just
5 goes back to discretion.

6 Q Sure.

7 A Really using that discretion. I look at
8 everything as a whole.

9 Q Okay. And did you ever write the warning or
10 print up -- I guess not writing anymore -- did you ever
11 print a warning and just hold onto it before giving it to
12 the driver?

13 A No.

14 Q Okay. So whenever you make a stop, you
15 decide -- you do the interview, you decide whether you're
16 going to do the citation or the warning and then you
17 print it. Is that fair?

18 A Yes, ma'am.

19 Q Okay. And you talked a little bit about now
20 your criminal interdiction practices have changed. Only
21 60 percent of the time are you looking for traffic stops
22 for criminal interdiction; is that correct?

23 A Yes, ma'am. Mostly because of our, our -- our
24 assignment has changed because of where they want us to
25 be at. I don't know if that's going to change again,

1 because we have, you know, some chain of command changes.
2 So we don't know if there's going to be any shifts or
3 anything like that. But as of right now it's going to be
4 the same, "Hey, we're going to hit this area. We're
5 going to check out the," you know, "motels. We're going
6 to go to UPS, check out -- see if they've got anything.
7 Check out the airports, Amtrak. See what we can run on."

8 Q So before the change where you are now doing 40
9 percent other criminal interdiction work, before that
10 shift, how much of your time would you estimate was
11 traffic stop criminal interdiction work?

12 A I would say about 99 percent of it.

13 Q Okay. I want to re-watch a portion of the
14 video -- of a video.

15 MS. HEBERT: Let's look at Exhibit 6, Daniel.
16 And time stamp 51:00.

17 (Video playing.)

18 Q Okay. So you saw the body camera footage from
19 Deputy Babb cut out. Is that fair? It ended?

20 A Yes, ma'am.

21 Q Why would it have ended in the middle of the
22 stop?

23 A I don't know. I know from what I've seen on
24 mine, I think once it gets to a certain amount of time,
25 it restarts another video.

1 Q Okay.

2 A That's what I've seen --

3 Q Sure.

4 A -- in the past with my old body camera. So
5 I've had stops and camera footage that would go on three
6 or four hours, and it's -- the system automatically does
7 it on its own.

8 Q Okay. So sometimes it stops automatically is
9 what you're telling me.

10 A It won't stop. It will start recording
11 another -- even though the camera might say ongoing, it
12 will stop and start a new video. So it won't -- not say
13 stop. It will just start a new video on its own.

14 Q Okay. That's helpful. And we talked a little
15 bit about this conversation before between you and Deputy
16 Babb, this section. But at the time of the stop for Alek
17 Schott, were the only two official criminal interdiction
18 officers you and Deputy Babb?

19 A Yes.

20 Q And we talked a little bit also about how the
21 criminal interdiction unit has followed Sergeant Gamboa
22 through his various places in the Sheriff's Office
23 organization. Do you remember that?

24 A Yes, ma'am.

25 Q Why did it follow Sergeant Gamboa around?

1 A I'm not sure. He's always been the supervisor
2 of it. That's above my head.

3 Q Yeah. Do you know if he created the --

4 A He did.

5 Q -- the criminal interdiction unit?

6 A He did.

7 Q And how do you know that?

8 A Because I was there when he -- not there when
9 he started it, but I was one of the ones he brought on.

10 Q Uh-huh, and -- or yes. And when he started it,
11 what -- how was it explained to you?

12 A That we're going to go hunt -- I guess we're
13 going to be looking for people that are involved in
14 smuggling activity, narcotics, stuff like that.

15 Because at that time I didn't know what
16 interdiction was. I was so caught up with wanting to do
17 DWIs. I had taken courses for DWIs, become what they
18 call ARIDE. I had gone through my breathalyzer course to
19 become an intoxilyzer operator. I was taking steps
20 because that's the route I wanted to go. And I think I
21 had applied four times and did not get in.

22 So -- but Gamboa was looking for people, and he
23 asked recommendations, and I was recommended. So he
24 offered it to me, and I said, "Yeah, I'll do it."

25 Q And did you meet with Sergeant Gamboa before

1 you accepted that?

2 A No. It was through phone calls.

3 Q Okay.

4 A I had met him through, because -- I had met
5 him, because I think we -- you know, you see officers in
6 passing, you get to identify who they are and stuff like
7 that.

8 Q So did he call you then to talk to you about
9 the criminal interdiction unit?

10 A Yes.

11 Q And how did he explain the criminal
12 interdiction unit?

13 A Again, like I said, he said, "We're going to be
14 looking for people that are involved in heavy criminal
15 activity, smuggling."

16 Q Sure. And I think you stopped yourself, and I
17 just wanted to follow up. You said at one point he was
18 explaining to you as hunt. What do you mean by that?

19 A Hunt, like traffic stops. We call it hunting,
20 slang. But they go out and find people that are involved
21 in criminal activity.

22 Q Okay. And on the section of the footage we
23 just watched, when you said -- when Deputy Babb said to
24 you, "It's, um, one of the vehicles from that thing,"
25 then you followed up by, "He was riding tandem," what

1 did -- did you -- what did Deputy Babb know or what did
2 you understand Deputy Babb to know about this vehicle
3 that he was looking at?

4 A From what I know, that it was intel information
5 passed on to him.

6 Q Right. And what kind of information would
7 Deputy Babb have received? Would he know the license
8 plate number, for example, of this vehicle? Would he
9 know who the driver was? Like what -- I'm just trying to
10 understand what Deputy Babb would have learned as part of
11 this tip process?

12 A So normally if it's a vehicle, we don't know
13 who's in the vehicle. It's -- it will be the license
14 plate and the type of vehicle that we're looking for.

15 Q Sure.

16 A So in this case, whoever provided him the
17 information said, "Hey, this vehicle was stopped" -- "has
18 been seen scanning." And there's -- you know, they'll
19 say that -- because the information I've received in the
20 past is the turnaround time, how fast they went down to a
21 certain area and came back up.

22 Q Okay. And so you might get the turnaround time
23 for how -- from where the person went and then went --
24 let me take a step back. Some of the information you
25 might get might be the vehicle information, some of the

1 vehicle information, or the turnaround time on that
2 vehicle; is that correct?

3 A Yes.

4 Q Would there be occasions where you would only
5 get the color and make or model of the vehicle and the
6 turnaround time?

7 A Yes. But if you don't get -- they don't get a
8 license plate -- sometimes the license plate readers, if
9 they're not -- if they don't pick up, they won't get a
10 picture of the vehicle.

11 Q Sure. So just to be clear, there are times
12 when you would get just the vehicle type, you know, a
13 white Chevy, for instance.

14 A Correct.

15 Q And you wouldn't have a license plate number;
16 is that correct?

17 A Correct.

18 Q And, you know, you talk about in this part of
19 the video that you were looking for a white Chevy. Could
20 that be one of those times where you only knew it was a
21 white Chevy?

22 A Correct.

23 Q So we talked a little bit about in your patrol
24 deputy capacity how you would hand over the file to the
25 Assistant District Attorney and they would handle the

1 prosecution of the criminal case from your time as patrol
2 deputy. Remember that?

3 A Yes, ma'am.

4 Q So when you worked as a criminal interdiction
5 officer, can you walk me through the process of what
6 happens for the situation where you did find, you know, a
7 big amount of drugs or contraband or something on a
8 vehicle, who do you -- who do you bring that to?

9 A Same. It's the same process.

10 Q The same ADA?

11 A Not the same ADA. It's whoever's sitting in
12 the office at the time.

13 Q Okay.

14 A So if -- they have shifts. So if ADA 1 gets
15 off at 4:00, and ADA 2 is there and I just happen to be
16 coming in at 3:00, I'm going to see ADA 2.

17 Q I get it. You just get whoever's on shift at
18 that time.

19 A Yes.

20 Q Have you ever talked with the ADA after you
21 submitted your report and your materials about what
22 happened to -- what the results of your search were?

23 A No, because it's already in the report.

24 Q Okay. So they use your report. And have you
25 ever had to testify, for instance, on what you discovered

1 during a search?

2 A Not, not in a state jail. I've done federal
3 side.

4 Q Okay.

5 A Because I was assisting on another case where
6 dope was found, a violation had happened.

7 Q A traffic violation you mean?

8 A So one of our deputies was chasing a vehicle.

9 Q Okay.

10 A And so I assisted with the pursuit. Guy ended
11 up having some contraband in the vehicle, and he went --
12 they went to a federal trial.

13 Q Okay. And so what happened in the federal
14 trial?

15 A I had to show up in a suit and testify.

16 Q Okay.

17 A Yeah.

18 MR. WINDHAM: Sorry.

19 MS. HEBERT: No, it's all good. Sorry about
20 that.

21 Q (By Ms. Hebert) And do you know what happened,
22 what the results of that federal trial were?

23 A I don't.

24 Q That's okay. And have you ever gotten feedback
25 from maybe the ADA or the results of criminal proceedings

1 about your searches?

2 So here's an example, you discover a bunch of
3 dope in a car, they go through the process of charging,
4 and there's a question about whether you had enough
5 grounds to search the vehicle. Has that ever happened to
6 you?

7 A Yes.

8 Q And how did that play out? Tell me like the
9 process and then what the results were.

10 A They asked me to elaborate.

11 Q Who is "they"?

12 A The ADA.

13 Q Okay. So they came back to you and said, "Give
14 me some more information"?

15 A No. So you're talking about after the fact,
16 after everything was said and I'm on to the next thing?
17 Or I'm sitting in the office with them currently turning
18 in my report?

19 Q I mean after you've turned in your report, the
20 report is done.

21 A Yes.

22 Q And the ADA is trying to get the conviction.

23 A So like a pretrial hearing.

24 Q At the pretrial hearing or a motion to suppress
25 hearing --

1 A Okay.

2 Q -- have you ever gotten feedback about how
3 that's gone?

4 A No, not -- not at that point. They just ask me
5 to elaborate on mine. That's it.

6 Q So you've gotten some follow-up questions, for
7 example?

8 A Yes.

9 Q But you've never gotten any feedback from an
10 ADA that said, "Look, Deputy Gereb, we weren't able to
11 bring in that evidence because the Judge ruled that the
12 search shouldn't have happened"?

13 A No, never had.

14 Q Has anybody ever talked to you about anything
15 like that?

16 A No.

17 Q Okay. And as far as you know, there's no
18 process for the Sheriff's Office to check that the things
19 that they find actually get admitted in court?

20 A As far as like being the -- I guess you could
21 say the prosecution guy getting sent up to the -- up
22 there?

23 Q Yeah. So for example, you pull someone over,
24 you find dope.

25 A Uh-huh.

1 Q There's no process for the prosecutor for
2 saying, "Yes, the Judge let that dope in because your
3 search was good"?

4 A I don't think it goes with the search. I
5 believe that there -- on my end it's, like I say, it's
6 good or not good or whatever. But from what I understand
7 with the narcotics investigators, they have to send
8 off -- even though we do a field test on dope when it
9 comes back positive, they still have to send it off to go
10 to the lab for it to be tested again, then resubmitted.
11 The evidence has to be resubmitted. And I'm not too sure
12 which form it is. And then it has -- then it goes
13 through the process --

14 Q Okay. Let me just ask you differently. Has
15 any Assistant District Attorney ever given you the
16 impression that you aren't doing searches in the right
17 way?

18 A No.

19 Q Do you know if there's any way for an Assistant
20 District Attorney to communicate to the Sheriff's Office,
21 like, "Hey, your guys aren't doing searches correctly,"
22 or "They are doing searches correctly"?

23 A No.

24 Q Okay. We talked a little bit about behavioral
25 driving earlier today. Do you remember that

1 conversation?

2 A Yes, ma'am.

3 Q Have you ever stopped someone even if it was
4 not -- it didn't become an official traffic stop, for
5 behavioral driving without a traffic violation?

6 A No.

7 MS. HEBERT: Anything else?

8 MR. WINDHAM: Unless you want to do that.

9 MS. HEBERT: Sure.

10 Q (By Ms. Hebert) So during your criminal
11 interdiction traffic stops, at what point -- when you,
12 when you get out of the -- all right. Let me take a step
13 back. When -- during the criminal interdiction traffic
14 stops, do you radio to anybody and say, "This is what's
15 going on. This is what I've found"? Do you have any --
16 yeah, do you ever radio to someone and explain to them
17 what's going on?

18 A Not over the radio.

19 Q Okay. How do you communicate?

20 A Phone call.

21 Q Okay. So if you pulled someone over and you're
22 trying to figure out, do I have enough to go on, or this
23 sounds suspicious, you would call another officer?

24 A What do you mean, like if we're questioning our
25 own stop?

1 Q Yeah.

2 A If I have -- if I'm questioning my own stop, I
3 just -- I cut it off.

4 Q Okay.

5 A Because at that point, if I have doubt in
6 myself, that means this case is going to have doubt.

7 Q Okay. That's fair. And after you -- let's say
8 you decide to ask the driver to get -- or you decide to
9 tell the driver to get out of the vehicle, the driver
10 gets out of the vehicle. Do you give the driver a
11 Miranda warning?

12 A No.

13 Q Okay.

14 A Because they haven't been charged with
15 anything.

16 Q Do you give them a Miranda warning before you
17 do the interview process?

18 A No.

19 Q When you used to choose to have the driver come
20 sit in your patrol car, did you ever give them a Miranda
21 warning before having the driver come sit in your
22 passenger seat?

23 A No.

24 Q At what point do you usually give the Miranda
25 warning? What triggers the Miranda warning for you?

1 A For me it's when they're about to be charged
2 with an offense or I have -- contraband has been found.
3 If I haven't -- if they're just detained, not arrested, I
4 let them know the Miranda warnings, because I'm going to
5 have questions. And then at that point too, it also
6 would lead to an investigator coming out.

7 Q Okay. So if you put them in the back of your
8 patrol vehicle, say you're detained but you haven't
9 arrested them, would you give them the Miranda warning at
10 that time?

11 A Not at that time, until I -- once my search and
12 everything is said and done, then if I find -- if there
13 is a charge coming or there's questions that are going to
14 be coming, stemming from the search, then I'll Mirandize.

15 Q Okay. So you Mirandize after you find
16 something if you think they're going to be arrested.

17 A Not if I think they're going to be arrested.
18 If I know they're going to be charged with a crime.

19 Q Okay. I understand the difference that you
20 just said, because that was me not understanding your
21 context. So if you find something and you think they're
22 going to be charged with a crime, even if they're not
23 going to the station today, you would still Mirandize
24 them?

25 A Yes, because there's questions coming in with

1 it.

2 MS. HEBERT: Thank you. That's all I have.

3 MR. FRIGERIO: We'll reserve our questions.

4 Thank you.

5 THE REPORTER: We are off the record.

6 (Deposition concluded at 4:50 p.m.)

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ALEK SCHOTT,
Plaintiff,

§

§

§

§

VS.

§

§

JOEL BABB, in his individual § CIVIL ACTION NO.
and official capacity; § 5:23-cv-00706-OLG-RBF
MARTIN A. MOLINA III, in his §
individual and official §
capacity; JAVIER SALAZAR, in §
his individual and official §
capacity; and BEXAR COUNTY, §
TEXAS, §
Defendants. §

REPORTER'S CERTIFICATION

ORAL DEPOSITION OF JOE GEREb

FEBRUARY 27, 2024

I, MOLLY CARTER, Certified Shorthand Reporter in and
for The State of Texas, hereby certify to the following:

That the witness, JOE GEREb, was duly sworn by the
officer and that the transcript of the oral deposition is
a true record of the testimony given by the witness;

I further certify that pursuant to FRCP Rule
30(e)(1), that the signature of the deponent:

_____ was requested by the deponent or a party before
the completion of the deposition and returned within 30

1 days from date of receipt of the transcript. If
2 returned, the attached Changes and Signature Page
3 contains any changes and the reasons therefor;

4 _XX_ was not requested by the deponent or a party
5 before the completion of the deposition.

6 I further certify that I am neither attorney nor
7 counsel for, related to, nor employed by any of the
8 parties to the action in which this testimony was taken.
9 Further, I am not a relative or employee of any attorney
10 of record in this cause, nor do I have a financial
11 interest in the action.

12 Certified to by me on this 12th day of March 2024.

13
14
15
16 

17 MOLLY CARTER, CSR NO. 2613

Expires: 04/30/2024

18 Veritext Legal Solutions

19 Firm Registration No. 571

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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